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2016-1205-A
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2016-1207-A
147-21A Hook Creek Boulevard, east side of Hook Creek Boulevard, south of 145th Avenue and north of 147th Drive., Block 13633, Lot(s) 49, Borough of **Queens, Community Board: 13**. Proposed construction of a two-story, two-family building, contrary to General City Law Section 35. R1-1 zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
FEBRUARY 9, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 9, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

227-10-BZ
APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.
SUBJECT – Application April 16, 2015 – Amendment (§11-412) of a previously approved variance permitting the operation of an automotive service station (UG 16B). The amendment seeks to install a canopy, replace gasoline storage tanks, increase the number of parking spaces, add ADA accessible ramp and accessory parking spaces. R3-2/C2-2 zoning district.
PREMISES AFFECTED – 204-12 Northern Boulevard, northern Boulevard between 204th Street and Clearview Expressway, Block 07301, Lot 11, Borough of Queens.
COMMUNITY BOARD #11Q

REGULAR MEETING
FEBRUARY 9, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 9, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

252-15-BZ
APPLICANT – Law Office of Jay Goldstein, PLLC, for Yaakov Max, owner.
SUBJECT – Application November 2, 2015 – Special Permit (§73-622) to permit an enlargement of an existing two-family home to be converted to a single family home contrary to floor area and open space (ZR 23-141(b)); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 1120 East 24th Street, Block 7623, Lot 053, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JANUARY 12, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

919-57-BZ
APPLICANT – O'Sullivan & Zacchea Road, for Stanley Halpern, owner.
SUBJECT – Application March 18, 2015 – Extension of Term & Waiver (§11-411) requesting an extension of term of an expired variance (March 23, 2013) of an eating and drinking establishment also a waiver of the rules. R3-2 zoning district.
PREMISES AFFECTED – 4912 Avenue K, Block 07829, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a Waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for a previously granted variance for a Use Group ("UG") 6 restaurant in an R3-2 zoning district, which expired on March 25, 2013; and

WHEREAS, a public hearing was held on this application on January 12, 2016 after due notice by publication in *The City Record*, and then to decision on the same day; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 18, Brooklyn, recommends approval of this application for an additional ten (10) years, expiring March 25, 2023, provided that (1) parking be limited to one (1) car; (2) garbage disposal be placed out of sight; and (3) the premises, rear yard and driveway area be kept free of debris and graffiti; and

WHEREAS, the subject site is located on the south side of Avenue K, between East 49th Street and Utica Avenue, in an R3-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 25 feet of frontage along Avenue K, 2,250 sq. ft. of lot area, and is occupied by a one (1) story building with cellar; and

WHEREAS, the applicant represents that the premises is operated as a restaurant, which delivers or offers for pick-up the bulk of the food made therein; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 25, 1958 when, under the subject calendar number, the Board approved an application for a variance permitting the construction of a two (2) story mixed-use building, subject to a term of fifteen (15) years; and

WHEREAS, on March 17, 1959, December 17, 1963, and February 18, 1964, under the subject calendar number, the Board approved applications for extensions of time to obtain permits and complete construction; and

WHEREAS, on May 26, 1964, under the subject calendar number, the Board approved an application for an amendment to the variance, permitting a redesign of the building wherein the building would be reduced in height by the omission of its second floor; and

WHEREAS, on May 23, 1972, under the subject calendar number, the Board approved an application for an extension of the term of the variance for an additional ten (10) years, expiring March 25, 1983; and

WHEREAS, on August 16, 1983, under the subject calendar number, the Board approved an application for an extension of the term of the variance for an additional ten (10) years, expiring March 25, 1993 and on condition that (1) parking be limited to one car; (2) the dumpster be placed in an inconspicuous location; and (3) the premises be maintained clean and free of debris at all times; and

WHEREAS, on March 14, 1995, under the subject calendar number, the Board waived the Rules of Procedure and granted a further extension of the variance for ten (10) years, expiring March 25, 2003; and

WHEREAS, on October 30, 2007, under the subject calendar number, the Board waived the Rules of Practice and Procedure and granted an additional ten (10) year extension, expiring March 25, 2013 on condition that, *inter alia*, the site be maintained free of debris and graffiti; and

WHEREAS, the variance having expired, the applicant now seeks (1) an extension of the term of the variance for ten (10) years and (2) a waiver of Rule § 1-07.3(b)(3)(i) of the Board's Rules of Practice and Procedure; and

WHEREAS, pursuant to Rule § 1-07.3(b)(3)(i), the applicant has demonstrated that the use has been continuous since the expiration of the term and that substantial prejudice would result without such a waiver; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated March 25, 1958, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on March 25, 2023; *on condition* that all work and site conditions shall comply with drawings filed with this application marked "Received November 18, 2015"-Four (4) sheets; and *on further condition*:

THAT parking be limited to one (1) car;

THAT garbage disposal be placed out of sight;

THAT the premises, rear yard and driveway area be kept

free of debris and graffiti;

THAT this grant shall be limited to a term of ten (10) years from March 25, 2013, expiring March 25, 2023;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by January 12, 2017; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

105-10-BZ

APPLICANT – Eric Palatnik, P.C., for Misha Keylin, owner.

SUBJECT – Application February 24, 2015 – Amendment of a previously approved Special Permit (§73-622) permitting the enlargement of an existing single family home. The amendment seek a second story enlargement. R4A (BRSD) zoning district.

PREMISES AFFECTED – 269 77th Street, between 3rd Avenue and Ridge Boulevard, Block 05949, Lot 0054, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated February 4, 2015, acting on DOB Application No. 3210600025, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed side yards are contrary ZR 23-461a pertaining to R-4A;
3. Proposed plans are contrary to ZR 23-631 in that the perimeter wall height exceeds the maximum permitted; and

WHEREAS, this is an application for an amendment to a special permit, previously granted pursuant to ZR § 73-622 to permit, in an R4A zoning district and the Special Bay Ridge Zoning District, the proposed second story enlargement of single-family residence that does not comply with the zoning requirements for floor area ratio ("FAR"), side yards or perimeter wall height contrary to ZR §§ 23-141, 23-461(a) and 23-631; and

WHEREAS, a public hearing was held on this application on November 24, 2015, after due notice by publication in *The City Record*, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 10, Brooklyn, recommends disapproval of this application; and

WHEREAS, the subject site is located on the north side of 77th Street between Ridge Boulevard and 3rd Avenue, in an R4A zoning district and the Special Bay Ridge Zoning District, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along 77th Street, and 2,187 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two (2) story single-family home with a floor area of 1,535 (0.70) FAR); and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 19, 2010 when, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-622, authorizing the enlargement of a home contrary to side yard regulations of ZR § 23-461; and

WHEREAS, specifically, the 2010 grant authorized a building with 1,555 sq. ft. of floor area (0.70 FAR), a side yard with a minimum width of 4'- ½" along the western lot line and no side yard along the eastern lot line; and

WHEREAS, the construction for the enlargement was completed as approved by the Board; and

WHEREAS, the applicant now proposes to enlarge the second floor, which is set back 9'-6" from the front of the house, to occupy the entire front portion of the building, thereby increasing the floor area from 1,535 sq. ft. to 1,686 sq. ft. (0.77 FAR); maintain the non-complying side yards as previously approved by the Board; and maintain the height of the existing non-complying 21'-7" perimeter wall that matches the perimeter wall heights of the adjoining buildings; and

WHEREAS, the applicant represents that the enlargement will not alter the essential character of the neighborhood; and

WHEREAS, based on its review of the record, the Board finds that the requested amendment is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 19, 2010, so that as amended the resolution reads: "to permit the noted modifications, including the proposed increase in floor area, and maintenance of non-complying side yards and perimeter wall, *on condition* that all work will substantially conform to drawings, filed with this application marked 'Received January 13, 2016' – twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,686 sq. ft. (0.77 FAR), a side yard with a minimum width of 4'- ½" along the western lot line and no side yard along the eastern lot line, and a perimeter wall with a minimum height of 21'-7" all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 12, 2020; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

595-44-BZ

APPLICANT – Montgomery McCracken Walker & Rhoads, LLP, for Cinzia 30 CPS. Incorporated c/o Rodel USA, Incorporated, owner.

SUBJECT – Application August 4, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted Office Use (UG 6) which expired on July 12, 2015. R10H zoning district.

PREMISES AFFECTED – 30 Central Park South, Block 01274, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for decision, hearing closed.

802-48-BZ

APPLICANT – Eric Palatnik, for Rodeleeven Service Stations, Inc., owner.

SUBJECT – Application June 8, 2015 – Extension of Term (72-01) to extend the term of a variance for automotive service station, repair shop and accessory convenient store, which was granted October 17, 2006. R5/C1 zoning district.

PREMISES AFFECTED – 1346 Beach Channel Drive, Block 01552, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

196-49-BZ

APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.

SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for continued hearing.

1207-66-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Apple Art Supplies of New York, LLC., owner.

SUBJECT – Application December 10, 2014 – Extension of Term of a previously granted variance for the continued operation of a UG6 art supply and bookstore which expired July 5, 2012; Waiver of the Rules. R6 zoning district.

PREMISES AFFECTED – 305 Washington Avenue aka 321 DeKalb Avenue, northeast corner of Washington Avenue & DeKalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for adjourned hearing.

132-92-BZ

APPLICANT – Willy C. Yuin, RA, for Daniel Casella, owner.

SUBJECT – Application November 17, 2014 – Extension of Term of a previously approved variance (§72-21) which permitted day care use in the cellar of the subject premises in conjunction with a banquet hall use, which expired on Julye 19, 2014. R3X, Cl-1 SRD zoning district.

PREMISES AFFECTED – 3948 Amboy Road, between Hillside Terrace and Brown Avenue, Block 05142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for continued hearing.

186-08-BZ

APPLICANT – Petrus fortune, P.E., for Followers of Jesus Mennonite Church, owners.

SUBJECT – Application November 19, 2014 – Extension of Time to Complete Construction of a previously approved Special Permit (§73-19) permitting the legalization and enlargement of a school (*Followers of Jesus Mennonite Church & School*) in a former manufacturing building, contrary to ZR §42-10, which expired on June 8, 2014; Waiver of the Rules. M1-1 zoning district.

PREMISES AFFECTED – 3065 Atlantic Avenue, north west corner of Atlantic Avenue and Shepherd Avenue, Block 03957, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

226-09-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun enterprises LLC, owner; NYHRC, lessee.
SUBJECT – Application June 24, 2015 – Extension of Term of a special permit (73-11) for a physical culture establishment on the third floor of an existing mixed-use building and for extension of time to obtain a Certificate of Occupancy and Waiver. C6-1 zoning district.
PREMISES AFFECTED – 24 East 13th Street, Block 0570, Lot 017, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for continued hearing.

47-10-BZ
APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.
SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.
PREMISES AFFECTED – 895 Zerega Avenue aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.
COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

58-15-A
APPLICANT – Goldman Harris LLC, for D.A.B. Group LLC, owner; Arcade Orchard Street LLC., lessee.
SUBJECT – Application March 16, 2015 – Appeal seeking a determination that the owner has obtained a vested right to complete construction commenced under the prior zoning district. C4-4 zoning district.
PREMISES AFFECTED – 139-141 Orchard aka 77, 79, 81 Rivington Street, through-block lot with frontage on Orchard Street, Rivington Street and Allen Street, Block 0415, Lot(s) 61, 62, 63, 66, 67, Borough of Manhattan.
COMMUNITY BOARD #3M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an appeal requesting a four-year extension of time to complete construction and obtain a certificate of occupancy for a 16-story story transient hotel (Use Group ("UG") 5) at the subject site under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this application on November 17, 2015, after due notice by publication in *The City Record*, and then to decision on January 12, 2016; and

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

WHEREAS, the subject site is a through-block site with frontages on the west side of Orchard Street, the south side of Rivington Street, and the east side of Allen Street; and

WHEREAS, the site has a width of 87'-9" and a depth of 127'-3", and a total lot area of approximately 9,828 sq. ft.; and

WHEREAS, the subject site is a single zoning lot comprising five separate tax lots (Lots 61, 62, 63, 66 and 67); and

WHEREAS, a 16-story transient hotel (the "Building") is partially constructed on Lots 61, 66 and 67, utilizing development rights transferred from Lots 62 and 63; the existing building located on Lot 62 will remain; and

WHEREAS, when complete, the Building will have 39,064 sq. ft. of floor area and a building height of 191'-0"; and

WHEREAS, on September 29, 2008, the New York City Department of Buildings ("DOB") issued Permit No. 110251361-EW-OT (the "Foundation Permit") for excavation and construction of the Building's foundation and construction on the Building commenced on October 14, 2008; on November 19, 2008, DOB issued New Building Permit No. 104870392-01-NB permitting construction of the Building (the "New Building Permit" and collectively, the "Permits"); and

WHEREAS, on November 19, 2008, the City Council (hereinafter, the "Enactment Date") voted to adopt the East Village/Lower East Side Rezoning, which rezoned the subject site from C6-1 to C4-4A; and

WHEREAS, as of that date, the applicant had obtained the Permits for the development and completed excavation, but had not completed the foundations; and

WHEREAS, the Building does not comply with the current zoning with respect to floor area, floor area ratio ("FAR"), building height and setback; and

WHEREAS, the applicant represents that the Building complies with the zoning regulations of the former C6-1 zoning district; and

WHEREAS, because the site is now within a C4-4A zoning district, the Building would not comply with the maximum floor area of 17,662 sq. ft., maximum FAR of 4.0, or maximum total building height of 80'-0"; and

WHEREAS, because the Building violated these provisions of the C4-4A zoning district and work on the foundation was not completed as of the Enactment Date, the Permits lapsed by operation of law; and

WHEREAS, on June 16, 2009, under BSA Cal. No. 311-08-BZY, the Board granted a renewal of all permits necessary to complete construction and an extension of time to complete the required foundations for a term of six months, pursuant to ZR § 11-331; and

WHEREAS, the foundation was completed within the six months of the Board's grant and construction preceded until November 19, 2010, when the Permits lapsed pursuant to ZR § 11-331; and

WHEREAS, on March 15, 2011, under BSA Cal. No. 220-10-BZY, the Board granted a further renewal of all permits, as well as all related permits for various work types necessary to complete construction, and an extension of time to complete construction and obtain a certificate of occupancy for one term of two years, pursuant to ZR § 11-332; and

WHEREAS, in July 2011, a foreclosure proceeding was commenced against the applicant in New York State Supreme Court and a Receiver was appointed to protect and preserve the subject site during the foreclosure action; construction on the site was subsequently limited to maintenance of site safety and the construction of a sidewalk; and

WHEREAS, on August 20, 2013, under BSA Cal. No. 220-10-BZY, the Board granted an additional two year extension to complete construction and obtain a certificate of occupancy, pursuant to ZR § 11-332; and

WHEREAS, in July 2014, the applicant filed a Chapter 11 petition in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") (Case No. 14-12057) and continues to maintain the subject site as a debtor-in-possession; and

WHEREAS, the applicant's time to complete construction of the Building and obtain a certificate of occupancy expired on August 20, 2015 and the applicant now seeks a four-year extension to complete construction pursuant to the common law doctrine of vested rights; and

WHEREAS, the Bankruptcy Court has ordered that an auction be held to find a new developer for the subject site and the applicant represents that such auction will be held upon the Board's grant of the current request for relief; and

WHEREAS, the applicant seeks a four-year extension in term because of the time that may be required for a new purchaser at auction to arrange for financing, remobilize the site, complete construction, and obtain a certificate of occupancy; and

WHEREAS, a threshold matter for the vested rights analysis is that a permit be issued lawfully prior to the Enactment Date and that work was performed pursuant to such lawful permit; and

WHEREAS, the Board notes in its prior determinations under BSA Cal. Nos. 311-08-BZY and 220-10-BZY that the Permits were lawfully issued prior to the Enactment Date; and

WHEREAS, moreover, by letter dated December 22, 2010, DOB stated that the Foundation Permit and the New Building Permit were lawfully issued, authorizing construction of the proposed Building prior to the Enactment Date; and

WHEREAS, the Board notes that when work proceeds under a lawfully-issued permit, a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2) the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior zoning; and

WHEREAS, specifically, as held in *Putnam Armonk, Inc. v. Town of Southeast*, 52 AD 2d 10 (2d Dep't 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner's rights under the prior ordinance are deemed vested "and will not be disturbed where enforcement [of new zoning requirements] would cause 'serious loss' to the owner," and "where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the ordinance"; and

WHEREAS, notwithstanding this general framework, as discussed by the court in *Kadin v. Bennett*, 163 AD 2d 308 (2d Dep't 1990), "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right.' Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as noted above, the applicant obtained permits to construct the Building prior to the Enactment Date and performed work pursuant to those lawfully issued permits; and

WHEREAS, the Board notes that work completed pursuant to the Permits, lawfully issued prior to the Enactment Date, constituted substantial construction and/or substantial expenditures as stated or implied in BSA Cal. No. 220-10-BZY and the statutory renewals therefore; and

WHEREAS, specifically, the Board's August 20, 2013 grant under BSA Cal. No. 220-10-BZY included findings that prior to November 19, 2010, 100 percent of the foundation and seven floors of the superstructure had been completed, along with part of the eighth floor, and that, based on the submission of financial records, construction contracts, copies of cancelled checks and copies of lien waivers evidencing payments, $4,826,511 had thus far been expended for the development, or

32 percent of the approximate $15,249,467 cost to complete; and

WHEREAS, the applicant submits, and the Board finds, that the work performed prior and subsequent to the previous approvals constitutes substantial construction and, similarly, that expenditures related thereto were similarly substantial; and

WHEREAS, the applicant states that compliance with the C4-4A zoning regulations would result in a one-third reduction of FAR of the Building, a loss of approximately 12,891 sq. ft. of floor area, a 111' reduction in height and reconstruction of the lower floor slabs to comply with C4-4A street wall regulations; additionally, interior floor layouts would require redesign, room count would be reduced, and the building roof, bulkhead and rooftop mechanical spaces would require reconstruction; all of these changes would result in substantial new costs, including demolition costs of approximately $800,000, and a loss of time; and

WHERAS, further, the applicant asserts that the condition of the construction work completed to date has not been compromised and can be used to complete the construction of the Building; and

WHEREAS, thus, the applicant states that it would suffer a serious loss of the site were the Building required to comply with the C4-4A zoning regulations; and

WHEREAS, the Board agrees that complying with the C4-4A zoning regulations would result in a serious economic loss for the applicant; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed and the expenditures made both before and after the Enactment Date, the representations regarding serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to complete construction of the Building has accrued to the owner of the premises.

Therefore it is Resolved, that this application made pursuant to the common law doctrine of vested rights requesting a reinstatement of Permit Nos. No. 110251361-EW-OT and 104870392-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed development and obtain a certificate of occupancy for one term of four years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 12, 2016.

83-15-A thru 86-15-A

APPLICANT – Jesse Masyr, Esq. Fox Rothschild, LLP, for 1-10 Bush Terminal, LP, owner.

SUBJECT – Application April 16, 2015 – Proposed construction to build in the bed of a privately owned mapped street and to build an elevated pedestrian walkway and loading docks to improve pedestrian and vehicle safety and the flow of traffic. M3-1 zoning district.

PREMISES AFFECTED –

220 and 219 36th Street, Block 0695, Lot 20; Block 0691, Lot 1, 33, 67, 87, 35 35th Street, Block 0687, Lot 1, 67, 87, 34th Street, Block 0683, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Brooklyn Borough Commissioner dated April 7, 2015 acting on DOB Application Nos. 321102588, 321101865, 321102597 and 321100839, and reads in pertinent part:

> The proposed structure is not permitted in the bed of a mapped street. Approval from the Board of Standards and Appeals is required per GCL section 35; and

WHEREAS, this is an application to allow the redesign of pedestrian walkways and loading docks on 34th, 35th and 36th Streets between 2nd and 3rd Avenues, in Brooklyn, parts of which lie within the bed of mapped streets, some of which are privately owned by the applicant, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on December 8, 2015, after due notice by publication in *The City Record*, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commission Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 7, Brooklyn, recommended approval of this application; and

WHEREAS, the subject site is located in an M3-1 zoning district; and

WHEREAS, the site is comprised of Block 695, Lot 20, a through lot with approximately 80 feet of frontage along Second Avenue, 80 feet of frontage along 3rd Avenue, 48,000 sq. ft. of lot area, and occupied by Building 2; Block 691, Lot 1, a through lot with approximately 200 feet of frontage along 2nd Avenue, 140 feet of frontage along 3rd Avenue, 134,216 sq. ft. of lot area, and occupied by Buildings 3 and 4; Block 687, Lot 1, a through lot with approximately 200 feet of frontage along 2nd Avenue, 200 feet of frontage along 3rd Avenue, 140,233 sq. ft. of lot area, and occupied by Buildings 5 and 6; and Block 683, Lot 1, a through lot with

approximately 200 feet of frontage along 2nd Avenue, 200 feet of frontage along 3rd Avenue, 700 feet of frontage along 33rd Street, 140,233 sq. ft. of lot area, and occupied by Building 7; and

WHEREAS, with regards to 36th Street between 2nd and 3rd Avenues: it is a mapped street of which the applicant owns600 feet, beginning at 2nd Avenue and ending 100 feet west of 3rd Avenue; the100 feet of 36th Street west of 3rd Avenue is owned by the City; the street is 60 feet wide with an asphalt roadway that is 36 feet wide on average, Building 2 encroaches into the street by varying degrees on the block between 2nd and 3rd Avenues, and the street is open to west-bound vehicular traffic; and

WHEREAS, with regards to 35th Street between 2nd and 3rd Avenues: the applicant owns the entirety of the street; 200 feet on the south side of the street are mapped west of 3rd Avenue and 190 feet on the north side of the street are mapped west of 3rd Avenue; the street is 60 feet wide with a cobblestone roadway that is between 38'-5' and 30'-11" wide; four raised loading docks, concrete pads and stairs connected to Building 4 are located in the mapped street portion of 35th Street between 2nd and 3rd Avenues, and the street is open to east-bound vehicular traffic; and

WHEREAS, with regards to 34th Street between 2nd and 3rd Avenues: the applicant owns the entirety of the street; 130 feet on the south side of the street and 98 feet on the north side of the street are mapped west of 3rd Avenue, the street is 60 feet wide with a cobblestone roadway that is 38'-4" wide, and the street is open to west-bound traffic;

WHEREAS, the applicant represents that the City has not sought to condemn or develop the portions of 36th, 35th or 34th Streets that are owned by the applicant; and

WHEREAS, the Board has exercised jurisdiction over Block 695, Lot 20 (Building 2) since May 20, 1932 when, pursuant to BSA Cal. No. 32-32A, the Board granted an appeal of an order of the Fire Commissioner which required that pressure reducing valves be installed for all standpipe outlets at the subject building; on June 17, 1941, pursuant to BSA Cal. No. 495-41-S, the Board granted an application to allow doors to open only from the inside during working hours; on November 21, 1944, pursuant to BSA Cal. No. 782-42-A, the Board granted an appeal of an order of the Fire Commissioner which required that the standpipe and sprinkler systems for Building 2 be separate and distinct from each other; on April 9, 1946, the Board granted an application to allow the storage and use of hydrogen on Block 695, Lot 20 (Building 2); on

WHEREAS, there are several concrete pads, stairs, and raised loading docks connected to each of Buildings 2, 3, 4, 5, 6 and 7 (collectively, the "Buildings"), which prevent a continuous pedestrian walkway on the streets on which the Buildings face and the loading docks are currently situated at angles such that trucks protrude into the roadway and pedestrian areas when docked and cause hazardous and narrow conditions for passing vehicles and pedestrians; and

WHEREAS, to improve pedestrian and vehicular safety and improve the flow of traffic, the applicant proposes to redesign the raised loading docks to allow trucks to park so that they are parallel to the Buildings and allow through-vehicles to proceed between 2nd and 3rd Avenues without obstruction; create a continuous elevated pedestrian walkway that is level with the Buildings' entrances and with accessible ramps and stairs located midblock and at the ends of the walkways; and install a painted crosswalk, stop sign and planters mid-block to improve pedestrian access to buildings located on opposite sides of the street; and

WHEREAS, the applicant does not propose to do any work on the portion of 36th Street owned by the City; and

WHEREAS, by letter dated October 15, 2015, the Department of Environmental Protection ("DEP") states that (1) there is an existing 15" diameter (dia.) combined drain in the bed of 34th, 35th and 36th Streets between 2nd and 3rd Avenues; (2) there are no existing water mains in the bed of 34th, 35th and 36th Streets between 2nd and 3rd Avenues; (3) Drainage Plan Map N, Dist.29, dated January 20, 1909, calls for a 12" dia. Combined sewer in 34th, 35th and 36th Streets between 2nd and 3rd Avenues; (4) applicant has the option to amend the Drainage plan; (5) the City has no titled to the subject streets; (6) the existing private drains in the bed of 34th and 35th Street between 2nd Avenue and 3rd Avenues are private drains; and (7) 36th Street between 2nd and 3rd Avenues has an Opinion of Dedicated dated October 17, 1995 (CCO); and

WHEREAS, DEP further required the applicant to submit a survey/plan showing the width of the mapped 36th Street as per the tax map and as per CCO (60 feet excluding those sidewalk area encroachments) between 2nd and 3rd Avenues; and

WHEREAS, by email dated November 3, 2015, the applicant submitted a revised site plan showing the 60 foot width of 36th Street in response to DEP's request; and

WHEREAS, by email dated November 4, 2015, DEP made an objection to the proposal because the plan did not conform to the CCO requirements for 36th Street; and

WHEREAS, by letter dated February 27, 2015, the Fire Department states that it has no objections to the proposal, but set forth the following requirements: (1) Siamese connections to all buildings must be within 100 feet of an operable hydrant; (2) the minimum distance between hydrants shall not be more than 250 feet; and (3) water supply to all hydrants shall not be reliant on mechanical equipment; and

WHEREAS, by letters dated September 24, 2015, the Department of Transportation ("DOT") states that (1) according to the Brooklyn Borough President's Topographical Bureau, 36th Street between 2nd and 3rd Avenues is mapped at 60 feet and has Corporate Counsel Opinion of Dedication (CCO) dated 10/17/1995; (2) 35th Street between 2nd Avenue and 3rd Avenue is mapped at 60 feet and is not titled to the City; (3) the improvement of 35th Street at this location, which would include the taking of a portion of the applicant's property (Block 691, Lot 1) is not presently included in DOT's Capital Improvement Program; (4) 34th Street between 2nd Avenue and 3rd Avenue is mapped at 60 feet and is not titled to the City; (5) the improvement of 34th Street at this location, which would involve the taking of a portion of the applicant's property (Block 687, Lot 1 and 683, Lot 1) is not presently included in DOT's Capital Improvement Program; and

WHEREAS, DOT further states that it opposes this application to the extent it proposes to build in the bed of 36th Street because of the CCO; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, at the Board's request, the applicant has provided cases wherein the Board has granted applications for GCL § 35 waivers for a street that was also subject to a CCO; and

WHEREAS, the Board notes that the DOT has not represented that construction within the unbuilt portions of 36th Street will either conflict or interfere with its Capital Improvement Program; and

WHEREAS, based on the record, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated April 7, 2015 acting on DOB Application Nos. 321102588, 321101865, 321102597 and 321100839, by the power vested in it by Section 35 of the General City Law, limited to the decisions noted above *on condition* that construction will substantially conform to the drawings filed with the application marked "Received December 23, 2015" - (1) sheet (South Side of 36th Street), - (1) sheet (North Side of 36th Street), - (1) sheet (North Side of 35th Street) and – (1) sheet (North Side of 34th Street); and *on further condition*:

THAT Siamese connections on all buildings must be within 100 feet of an operable hydrant;

THAT the minimum distance between hydrants shall not be more than 250 feet;

THAT water supply to all hydrants shall not be reliant on mechanical equipment;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

198-15-A & 199-15-A

APPLICANT – Gary R. Tarnoff, Kramer Levin Naftalis & Frankel, LLP, for Harlem Commonwealth Council, owner; Peter Latta, Aduie Pyle, lessee.

SUBJECT – Application August 26, 2015 – Proposed construction of a transportation and distribution services facility on a lot that does not front on a legally mapped street, contrary to Article 3 Section 36, of the General City Law. M3-1 zoning district.

PREMISES AFFECTED – 500-550 Oak Point Avenue, Block 02606, Lot(s) 02 & 20, Borough of Bronx.

COMMUNITY BOARD #2BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Bronx Borough Commissioner dated August 14, 2015 acting on DOB Application Nos. 220468134 and 220468125, read in pertinent part:

Proposed construction does not comply with General City law 36 and requires BSA Approval;

WHEREAS, this is an application to allow the construction of transportation and distribution services facility on a lot that does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on December 1, 2015, after due notice by publication in *The City Record*, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, by letter dated December 17, 2015, Bronx Community Board 2, stated that it has no objections to the proposed construction, subject to certain stipulations set-forth therein; and

WHEREAS, the subject premises are located southwest of the intersection of Barry Street and Oak Point Avenue, in an M3-1 zoning district, in the Bronx; and

WHEREAS, the applicant represents that the subject premises contains approximately 223,018 sq. ft. of lot area, and is part of a larger proposed zoning lot that includes Block 2606, Tentative Lot 20 (1132 Oak Point Avenue) and is currently part of Block 2604, Lot 140 and Block 2606, Lot 2 that totals approximately 687,670 sq. ft. of lot area; the applicant further represents that Block 2606 is currently proposed to be enlarged so as to contain all of the subject premises and that the boundaries of Lot 2 are to be made conterminous with the subject premises, with the remainder of Lot 2 to become Tentative Lot 20; and

WHEREAS, the applicant proposes to construct (1) a terminal building at 500 Oak Point Avenue with 77 truck bays, and a total of approximately 26,517 sq. ft., including a second

story of approximately 6,833 sq. ft. for office use; and (2) a building at 550 Oak Point Avenue with approximately 5,488 sq. ft. for truck maintenance and repair and approximately 13,211 sq. ft. with 115 spaces for employee parking (together, the "Development"); and

WHEREAS, the Development would be accessed by an existing, paved, easement running along the northern boundary of the subject premises and extending to a curb cut on Barry Street, at the intersection with Oak Point Avenue (the "Barry Street Easement"); and

WHEREAS, the Barry Street Easement is currently also utilized in part by New York Central LLC, which owns a railroad easement occupying Block 2606, Lot 1, located adjacent to and north of the subject premises, and uses rail tracks crossing over the easement for one or two box cars each week traveling to and from the construction products distributor located on Tentative Lot 20; and

WHEREAS, on June 15, 2010, under BSA Cal. Nos. 19-10-BZ and 62-10-A, the Board granted a GCL § 36 waiver for the lot located to the west of the subject premises, which is accessible by two access easements, including the Barry Street Easement; and

WHEREAS, by letter dated December 21, 2015, the Fire Department states that it has no objections to the proposal under the following conditions: (1) no security gates be installed without approval from the Fire Department; (2) Siamese connections shall be installed as indicated on the stamped approved drawing and must be connected to a working hydrant on a minimum 6-inch diameter main and if additional Siamese connections are required as part of final design they shall be within 100' of an operable hydrant; and (3) hydrants are to be installed per Department of Environmental Preservation ("DEP") standards; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decisions of the DOB, dated August 14, 2015 acting on DOB Application Nos. 220468134 and 220468125, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 4, 2016"-(1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the DOB;

THAT no security gates be installed without approval from the Fire Department;

THAT Siamese connections shall be installed as indicated on the stamped approved drawing and must be connected to a working hydrant on a minimum 6-inch diameter main and if additional Siamese connections are required as part of final design they shall be within 100' of an operable hydrant;

THAT hydrants are to be installed per Department of Environmental Preservation ("DEP") standards;

THAT the any changes to the subject zoning lot shall be subject to Board approval;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

67-13-A

APPLICANT – Board of Standards and Appeals

OWNER OF PREMISES – OTR MEDIA GROUP, INC & OTR 945 Zerega.

SUBJECT – Application August 13, 2014 – Reopening by court remand for supplemental review of whether a sign at the subject site was a permitted non-conforming advertising sign in light of the Board's decision in BSA Cal. No. 96-12-A. M1-1 zoning district.

PREMISES AFFECTED – 945 Zerega Avenue, between Quimby Avenue and Bruckner Boulevard, Block 3700, Lot 31, Borough of Bronx.

COMMUNITY BOARD #9BX

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for decision, hearing closed.

65-15-BZ/66-15-A

APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.

SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.

PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.

COMMUNITY BOARD #7M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

219-14-BZ
CEQR #15-BSA-062K
APPLICANT – Slater & Beckerman, P.C., for People 4 Parks LLC., owner.
SUBJECT – Application September 4, 2014 – Variance (§72-21) to permit the construction of a three-story, single-family residence with one parking space. M1-1 zoning district.
PREMISES AFFECTED – 64 DeGraw Street, south side of DeGraw Street between Columbia and Van Brunt Streets, Block 00329, Lot 6, Borough of Brooklyn.
COMMUNITY BOARD #6BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 13, 2014, acting on Department of Buildings Application No. 320853091, reads in pertinent part:

> ZR 42-10 Proposed one (1) family dwelling (UG-2) in proposed zoning lot within an M1-1 zoning district is contrary to section 42-10 of the NYC ZR and must be referred to BSA; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-1 zoning district the construction of a three-story single-family residence with one parking space, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on July 21, 2015 after due notice by publication in *The City Record*, with continued hearings on September 22, 2015, and December 1, 2015, and then to decision on January 12, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site has approximately 20 feet of frontage along the south side of Degraw Street, between Van Brunt Street, to the west, and Columbia Street, to the east, in an M1-1 zoning district, in Brooklyn; the site has a depth of 100 feet and a total lot area of 1,950 sq. ft.; and

WHEREAS, the site is currently used as an unimproved parking lot; and

WHEREAS, the applicant proposes to construct a three (3) story single-family residence with approximately 3,638 sq. ft. of floor area (1.87 FAR), with a height of 31'-11", and one accessory parking space with a 10'-0" wide curb cut; and

WHEREAS, because the proposed residence is not permitted in the subject M1-1 zoning district, the applicant seeks a use variance; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: the site's narrow width and small size, which preclude use of the site for an as-of-right manufacturing or commercial use; and

WHEREAS, the applicant notes that the history of development of the lot—the former presence of a three-story plus basement single family residence in the 1940s, demolition of the residence in or around the 1950s and continued vacancy of the lot—further demonstrates the infeasibility of a conforming use; and

WHEREAS, the Board agrees that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) construction of a one (1) story, 1,950 sq. ft. (1.00 FAR) industrial building (the "As-of-Right Industrial Plan") and (2) the proposal; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, specifically, the applicant argues that with respect to the As-of-Right Industrial Plan, because of the narrowness of the lot and the applicant's inability to construct a cellar (because of sub-surface conditions at the site which require helical piles), the site is ill-suited to and cannot be marketed for a permitted use; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that the site is located adjacent to a three (3) story residence to the west at 62 Degraw Street and a one (1) story building to the east at 66 Degraw Street used for food cart storage, in an area characterized by a mix of residential, commercial, light manufacturing, and storage-related uses including parking garages and lots; and

WHEREAS, the applicant notes that the proposal complies with the bulk regulations of an R6B district, the predominant midblock residence district in the neighborhood and is consistent with the row house

neighborhoods located east of the subject premises; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15-BSA-062K, dated July 14, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Landmarks Preservation Commission's Environmental Review of the proposal indicated that the site has no architectural significance and no archaeological significance; and

WHEREAS, the New York City Department of Environmental Protection Bureau of Environmental Planning and Analysis ("DEP") reviewed the project for Air Quality and Noise Impacts; and

WHEREAS, DEP concluded that the project has no potential for significant impact on and recommended that (1) the building achieve a composite window/wall noise attenuation of 26 dBA and (2) that an alternate means of ventilation be incorporated into the building design and construction; and

WHEREAS, DEP also reviewed the project for potential hazardous materials and reviewed and accepted the November 2015 Remedial Action Work Plan and Construction Health and Safety Plan; and

WHEREAS, DEP requested that (1) vapor barrier specification be submitted to DEP for review and approval prior to construction of the building and (2) at the completion of the project, a Professional Engineer-certified Remedial Closure Report indicating that all remedial requirements have been properly implemented, be submitted to DEP for review and approval; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, within an M1-1 zoning district, the construction of a three-story single-family residence with one parking space, contrary to ZR § 42-10, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 12, 2016" – (1) sheet and "Received May 19, 2015" – (7) sheets; and *on further condition*:

THAT an alternate means of ventilation be incorporated into the building design and construction;

THAT the building shall achieve a minimum composite window/wall noise attenuation of 26 dBA;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT DOB will not issue permits until the applicant has provided DOB with DEP's approval of the vapor barrier specifications;

THAT DOB will not issue a Certificate of Occupancy until the applicant has provided DOB with DEP's approval of the Professional Engineer-certified Remedial Closure Report; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

220-14-BZ and 221-14-BZ

APPLICANT – Slater & Beckerman, P.C., for Post Industrial Thinking, LLC, owner.

SUBJECT – Application September 4, 2014 – Variance (§72-21) to permit the construction of two 3-story single family residences. M1-1 zoning district.

PREMISES AFFECTED – 8 & 10 Underhill Avenue, west side of Underhill Avenue between Atlantic avenue and Pacific Street, Block 01122, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8K

ACTION OF THE BOARD – Application granted on

condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Brooklyn Borough Commissioner, dated August 13, 2014, acting on Department of Buildings Application Nos. 320853073 and 320853082, read in pertinent part:

> ZR 42-10 Proposed one (1) family dwelling (UG-2) in proposed zoning lot within an M1-1 zoning district is contrary to section 42-10 of the NYC ZR and must be referred to BSA; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-1 zoning district the construction of a two (2) three (3) story single-family residences, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on July 21, 2015 after due notice by publication in *The City Record*, with a continued hearing on December 1, 2015, and then to decision on January 12, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 8, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site has approximately 30 feet of frontage along the west side of Underhill Avenue, between Atlantic Avenue, to the north, and Pacific Street, to the south, in an M1-1 zoning district, in Brooklyn; the site has a depth of 80 feet and a total lot area of 2,400 sq. ft.; and

WHEREAS, the site is currently unimproved; and

WHEREAS, the applicant proposes to split the current Lot 37 into two lots (Tentative Lot 36 and Lot 37), each with 1,200 sq. ft. of lot area and 15 feet of frontage along Underhill Avenue and then to construct two (2) three (3) story single-family residences, one on each of the newly created lots; and

WHEREAS, the applicant proposes that each residence will have approximately 2,400 sq. ft. of floor area (2.00 FAR) and shall be 40'-0" in height; and

WHEREAS, because the proposed residential space is not permitted in the subject M1-1 zoning district, the applicant seeks the subject use variance; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: the site's narrow width and street frontage of 30 feet, lot area of less than 2,500 sq. ft., and the fact that the site cannot be assembled or used in common with an adjoining lot such that as-of-right industrial or commercial development is not feasible; and

WHEREAS, the Board agrees that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) construction of a one (1) story, 2,400 sq. ft. retail building on the un-subdivided Lot 37 (1.00 FAR) (the "As-of-Right Retail Plan") and (2) the proposal; and

WHEREAS, the applicant argues that a potential retail use was analyzed because retail uses command significantly higher rents than industrial uses and are, potentially, a more efficient use of the site given its size and shallowness; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, specifically, with respect to the As-of-Right Retail Plan, the location of the subject premises opposite a park area, adjacent to a residential zoning district and on a street that lacks pedestrian traffic in concert with the small size of the lot limits the scope of retail tenants that would find the site attractive; and

WHEREAS, the applicant further argues that the condition of the neighboring buildings' foundations, which requires underpinning on the subject premises, prevents the construction of a cellar in both the As-of-Right Retail Plan and the proposal, further limits the scope of prospective retail tenants; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that the subject premises are adjacent to a four (4) story multi-family residential building on the lot directly to the south with two other multi-family residential buildings further south on the same block and a self-storage facility on the lot directly to the north and in a mixed-use neighborhood close to commercial and light industrial uses along Atlantic Avenue which separately the primarily residential neighborhoods of Clinton Hill and Prospect Heights; and

WHEREAS, the applicant also notes that the proposed single-family residences comply with the bulk regulations of the adjacent R6B zoning district with the exception of lot coverage; the applicant states that proposal exceeds the lot coverage regulations of an R6B zoning district because, in order to allow the minimum floor area needed to realize a reasonable return without increasing the height of the proposed residences, the rear walls of the proposed buildings will be coterminous with the rear wall of the

residential building located on the lot directly to the south of the subject premises; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15-BSA-063K, dated July 14, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Landmarks Preservation Commission's Environmental Review of the proposal indicated that the site has no architectural significance and no archaeological significance; and

WHEREAS, the New York City Department of Environmental Protection Bureau of Environmental Planning and Analysis (DEP) reviewed the project for potential hazardous materials and reviewed and accepted the November 2015 Remedial Action Work Plan and Construction Health and Safety Plan; and

WHEREAS, DEP requested that at the completion of the project, a Professional Engineer-certified Remedial Closure Report indicating that all remedial requirements (i.e., proper transportation/disposal manifests and certificates from impacted soils removed and properly disposed of in accordance with all NYSDEC Regulations and proof of installation of engineering control system) have been properly implemented, be submitted to DEP for review and approval; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, within an M1-1 zoning district, the construction of two (2) three (3) story single-family residences, contrary to ZR § 42-10, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 12, 2016" – (1) sheet and "Received May 18, 2015" – (7) sheets; and *on further condition*:

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB will not issue a Certificate of Occupancy until the applicant has provided DOB with DEP's approval of the Professional Engineer-certified Remedial Closure Report; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

323-14-BZ

APPLICANT – Eric Palatnik, P.C., for Avner Levy, owner.

SUBJECT – Application December 12, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (ZR 23-141(b). R3-1 zoning district.

PREMISES AFFECTED – 282 Corbin Place, adjacent to the Coney Island Beach and Boardwalk, Block 08723, Lot 276, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated November 18, 2014, acting on DOB Application No. 320872383, reads in pertinent

part:

1. Proposed plans are contrary to ZR 23-141(b) in that the proposed floor area (F.A.R.) exceeds the maximum permitted; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR") contrary to ZR § 23-141(b); and

WHEREAS, a public hearing was held on this application on October 16, 2015, after due notice by publication in *The City Record*, with a continued hearing on November 24, 2015, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

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

WHEREAS, the subject site is located on the west side of Corbin Place south of Oriental Boulevard, in an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along Corbin Place, a depth of 145 feet, and 7,231 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, one-family residence with approximately 3,344 sq. ft. of floor area (0.46 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single*- or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space, floor area, side yard, rear yard* or perimeter wall height regulations, provided that:

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

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

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single*- or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the structure from 3,344 sq. ft. (0.46 FAR) to 4,722 sq. ft. (0.65 FAR), decrease the front yard from 20.1' to 15.41' (a minimum front yard of 15' is required pursuant to ZR § 23-45), maintain one side yard of 5' and decrease a second side yard from 19.8' to 13' (the minimum required total width for all side yards is 13' and the minimum width of any side yard is 5' pursuant to ZR § 23-461), decrease the rear yard from 64.3' to 53.3' (a minimum rear yard of 30' is required pursuant to ZR § 23-47); and

WHEREAS, the applicant represents that the proposed enlargement complies with all applicable flood regulations, including but not limited to Appendix G of the Building Code; and

WHEREAS, the maximum permitted floor area under applicable zoning district regulations is 0.60 FAR: 0.5 FAR pursuant to ZR § 23-141(b) plus a maximum 20 percent increase in floor area (equivalent to 0.1 FAR) permitted in the subject zoning district pursuant to ZR § 23-141(b)(1) provided that such increase in floor area is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such floor area is between five and eight feet; and

WHEREAS, the proposed increase in floor area to 4,722 sq. ft. (0.65 FAR) includes an attic containing 685 sq. ft. of floor area (0.09 FAR) and a height of 8'; and

WHEREAS, the applicant represents that the proposed

enlargement will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, specifically, the applicant represents that the properties improved upon with one- or two-family homes within 400 feet of the site, more than 30 percent have an FAR of more than 0.65; and

WHEREAS, the applicant further notes that a 60' tall six-story apartment building is located immediately south of the subject site and that the proposed enlargement will appear minor in comparison to such building and will, thus, be incapable of altering the character of the district; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR") contrary to ZR § 23-141(b); *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 8, 2016"-One (1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,722 sq. ft. (0.65 FAR), as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 12, 2020; and

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

62-15-BZ
BSA CEQR #15-BSA-179R

APPLICANT – Glen V. Cutrona, AIA, for 139 Bay Street Point, LLC, owner.

SUBJECT – Application March 20, 2015 – Variance (§72-21) enlargement of a mixed use building contrary floor area regulations, lot coverage, balconies below third story, distance from legally required windows, lot line and side yard regulation, located within an C4-2/SG zoning district.

PREMISES AFFECTED – 139 Bay Street, Bay Street between Slosson terrace and Central Avenue, Block 00001, Lot(s) 10,17,18,19, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated June 11, 2015, acting on Department of Buildings Application No. 520231482, reads in pertinent part:

1. ZR 128-21: Floor area exceeds the 2.2 FAR allowable within the Special District, contrary to ZR Section 128-21;
2. ZR 33-25: Enlargement of building is within required 8' side yard, contrary to ZR Section 33-25;
3. ZR 23-132(e): Proposed balconies located at the second story (below the third story) contrary to ZR 23-132(e);
4. ZR 128-22: Lot coverage exceeds 70%, contrary to ZR 128-22;
5. ZR 23-861: Distance from legally required windows to lot line is less than 30'-0" and contrary to ZR 23-861; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within a C4-2 zoning district, within the Special Saint George District, the residential conversion and enlargement of a two-story commercial use building which does not comply with the zoning regulations for floor area, lot coverage, side yards, balconies, and windows to lot line distance, contrary to ZR §§ 128-21, 128-22, 33-25, 23-132(e), and 23-861; and

WHEREAS, a public hearing was held on this application October 27, 2015, after due notice by publication in the *City Record*, with a continued hearing on December 8, 2015, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommended disapproval of the application; and

WHEREAS, James S. Oddo, President, Borough of

Staten Island, submitted a letter in support of the application; and

WHEREAS, New York City Council Member Debi Rose (49th District, Staten Island), submitted a letter in support of the application; and

WHEREAS, the subject site is an irregularly shaped, triangular zoning lot with approximately 204'-0" of frontage along Bay Street, opposite from and between the intersections of Slosson Terrace and Central Avenue, within a C4-2 zoning district, within the Special Saint George District, on Staten Island; the site is comprised of four tax lots (lots 10, 17, 18 and 19 on block 1); and

WHEREAS, the site contains approximately 7,211 sq. ft. of lot area; it has approximately 204'-0" of frontage along Bay Street and a depth, at its deepest point, of approximately 76'-6", reducing to 0'-0"; and

WHEREAS, the site is occupied by a masonry warehouse building constructed c. 1884 (the "Existing Building"), which is located primarily on lot 10; lots 17, 18, and 19 are vacant; and

WHEREAS, the applicant states that the site and Existing Building are located behind a concrete retaining wall approximately 25'-0" in height (the "Retaining Wall"); the applicant states that the Retaining Wall was constructed to support the raised elevation of Bay Street approximately 100 years ago, and that the existence of the Retaining Wall imposes premium construction costs on any development of the Existing Building or subject site; and

WHEREAS, the applicant notes that the site and Existing Building existed before the construction of Bay Street, and that a portion of the subject site and Existing Building were condemned to facilitate that construction; and

WHEREAS, the applicant states that the rear of the Existing Building abuts a Staten Island Railroad ("SIRR") right-of-way (the "Right of Way"); and

WHEREAS, the applicant proposes to maintain the existing commercial use on the first floor of the Existing Building, convert the second story of the Existing Building to residential use, and enlarge the Existing Building an additional four stories, resulting in a six-story building (the "Proposed Building") with 18 dwelling units, and 32 accessory off-street parking spaces, containing 28,507 sq. ft. of floor area (3.95 FAR), a non-complying side yard, non-complying balconies at the second story, a lot coverage in excess of the maximum permitted (by virtue of the non-complying balconies), and an insufficient distance between legally required windows and the lot line (the "Proposed Development"); and

WHEREAS, in order to construct the building as proposed, applicant seeks the following waivers: (1) floor area (pursuant to ZR § 128-21, the maximum floor area permitted floor area ratio is 2.2 FAR, 3.95 FAR is proposed); (2) side yard (pursuant to ZR § 33-25, a side yard with a minimum depth of 8'-0" is required, the applicant proposes to extend and maintain the existing non-complying side yard depth of 1'-0¼"); (3) balconies (pursuant to ZR § 23-132(e), balconies must be located at or higher than the floor level of the third story, the applicant proposes to include balconies at the second story of the Proposed Building); (4) lot coverage (pursuant to ZR § 128-22, the maximum lot coverage permitted is 70-percent, the applicant proposes a lot coverage of 75-percent); (5) distance from legally required windows to lot line (pursuant to ZR § 23-861, a minimum distance of 30'0" between legally required windows and lot lines is required, the applicant proposes a distance of 10'-11¼"); and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the following are unique physical conditions which create an unnecessary hardship in developing the site in compliance with applicable regulations: (1) the site's shallow depth and irregular, triangular configuration; (2) the location of the site between the 100 year old, 25'-0" high, Retaining Wall and the Right-of-Way; (3) the existence of the130 year old Existing Building; and

WHEREAS, the applicant states that within a 400'-0" study area, the subject site is one of 12 parcels with frontage on Bay Street/Richmond Terrace, only 5 of which are privately owned and only two of which, including the subject site, are located between the Retaining Wall and the SIRR; and

WHEREAS, the applicant notes that the other privately owned site within the study area with frontage along Bay Street and located between the Retaining Wall and the SIRR is undeveloped and has only 75'-0" of frontage along the Retaining Wall, whereas the site has 204'-0" of frontage along that wall; and

WHEREAS, the applicant also notes that because of the Existing Building, the proposed development is uniquely situated approximately 12'-0" from the SIRR; and

WHEREAS, the applicant further notes that of the 12 sites in the study area, only 4 sites have a depth of less than 90'-0", only two of which, including the subject site, are privately owned; the applicant states that the other privately owned site within the study area with a depth of less than 90'-0" is already developed beyond its maximum FAR; and

WHEREAS, the applicant states that the Existing Building is approximately 50 years older than any other building in the study area, and notes that at the time the Existing Building was constructed it was constructed on a much larger, rectilinear shaped lot which was bifurcated for the construction of Bay Street; and

WHEREAS, the applicant also states that because of the age of the Existing Building, major structural upgrades are required for any enlargement, including any as-of-right enlargement, and that such upgrades, coupled with the costs associated with the extensive shoring of the Retaining Wall and the engineering measures necessitated by the SIRR, impose significant premium construction costs on any development of the site; and

WHEREAS, the applicant submitted a letter dated March 4, 2015, from a structural engineer (the "Engineer's Letter") which states, *inter alia*, that (1) the Existing Building is constructed with a 1'-0" wide brick masonry wall over 130 years old and is not capable of supporting a vertical enlargement without the installation of an internal structural steel frame; (2) portions of the Existing Building must remain protected and braced during construction on the site, so as not to damage the Existing Building, the Retaining Wall, and the

Right-of-Way; and (3) extensive foundations are necessary to avoid compromising the Existing Building, Retaining Wall, or SIRR, further constraining the development of the site; and

WHEREAS, based on the foregoing, the Board finds that the aggregate impact of the site's irregular shape and relatively shallow depth, the location of the site between the Retaining Wall and the Right of Way, and the condition of the Existing Building and Retaining Wall, all of which necessitate premium construction costs, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided the Board with an analysis of three development scenarios for the site, an as-of-right development (the "As-of-Right Development"), the Proposed Development, and a lesser variance (the "Lesser Variance"); and

WHEREAS, the applicant represents that the As-of-Right Development has a total development cost, including estimated property value, hard construction costs, and soft costs, of $7,888,000, which is in excess of its capitalized value ($6,273,000), thus, the applicant states, the As-of-Right Development has significantly less value than development cost and would not be feasible; and

WHEREAS, the applicant represents that the Lesser Variance has a capitalized value of $8,729,000 and a total development cost, including estimated property value, hard construction costs, and soft costs, of $10,080,000, thus, the applicant states, the As-of-Right Development has significantly less value than development cost and would not be feasible; and

WHEREAS, the applicant represents that the Proposed Development has a capitalized net value of $10,733,000 and a total development cost, including estimated property value, hard construction costs, and soft costs, of $10,808,000, thus, the Proposed Development contains slightly less value than the total development cost and is therefore feasible; and

WHEREAS, the applicant states that foregoing analysis was dictated by the premium construction costs associated with the Existing Building, the Retaining Wall and the SIRR, as well as the varying narrowness of the site; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant notes that Bay Street is a six lane roadway that links Staten Island's eastern shore to the neighborhood of St. George, which, the applicant states, is comprised of commercial, residential, and municipal buildings; and

WHEREAS, the applicant notes that the requested waivers related to the required side yard and distance between the legally required windows and the lot line have no impact on adjoining properties as the lot line at which these waivers are requested abuts the Right-of-Way, and that the closest building to the site beyond the Right-of-Way is approximately 100'-0" away from the Proposed Building; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site, including the site's irregular shape and the presence of the Existing Building, Retaining Wall, and SIRR; and

WHEREAS, in accordance with ZR § 72-21(e), the Board also finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 15BSA179R dated March 16, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within a C4-2 zoning district, within the Special Saint George District, the residential conversion and enlargement of a two-story commercial use building which does not comply with the zoning regulations for floor area, lot coverage, side yards,

balconies, and windows to lot line distance, contrary to ZR §§ 128-21, 128-22, 33-25, 23-132(e), and 23-861; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 21, 2015"– Fifteen (15) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: the proposed six-story building shall contain 18 dwelling units and shall provide 32 accessory off-street parking spaces, shall have a height of 68'-5½", containing 28,507 sq. ft. of floor area (3.95 FAR), a non-complying side yard with a depth of 1'-0¼"; balconies on the second story of the building; lot coverage of 75-percent; and a distance of 10'-11¼" between legally required windows and the rear lot line;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, January 12, 2016.

60-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.

SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.

PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.

COMMUNITY BOARD #8Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for decision, hearing closed.

98-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 404-414 Richmond Terrace Inc., owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the reestablishment of a banquet facility (catering hall -UG 9) with accessory parking. Located in an R5 and R3A zoning districts within the St. George Historic District.

PREMISES AFFECTED – 404 Richmond Terrace, southeast corner of Richmond Terrace and Westervelt Avenue, Block 3, Lot(s) 40, 31, Borough of Staten Island.

COMMUNITY BOARD #1SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to January 22, 2016, at 10 A.M., for decision, hearing closed.

129-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Mourad Louz, owner.

SUBJECT – Application June 9, 2014 – Special Permit (§73-622) as amended, to permit the enlargement of a single-family detached residence, contrary to floor area, side yard, and rear yard regulations. R5 zoning district.

PREMISES AFFECTED – 2137 East 12th Street, east side of East 12th Street between Avenue U and Avenue V, Block 07344, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for decision, hearing closed.

231-14-BZ

APPLICANT – Sheldon Lobel, PC, for Orangetheory Fitness, owner; OTF Man One, LLP, lessee.

SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Orangetheory Fitness*) within a portion of an existing commercial building. C6-3X zoning district.

PREMISES AFFECTED – 124 West 23rd Street, south side of West 23rd Street, between Avenue of the Americas and 7th Avenue, Block 00798, Lot 7507, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for adjourned hearing.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for adjourned hearing.

REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 12, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

52-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Liberty Avenue Development LLC, owner; Blink Liberty Avenue Inc., lessee.
SUBJECT – Application March 12, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a cellar and one-story commercial building. C2-3/R6B zoning district.
PREMISES AFFECTED – 102-16 Liberty Avenue, southwest corner of intersection of Liberty Avenue and 103rd Street, Block 09523, Lot 5, Borough of Queens.
COMMUNITY BOARD #10Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to February 2, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

BULLETIN

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2016-1208-BZ
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2016-1212-BZ
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2016-1213-BZ
2407 Richmond Avenue, corner of Richmond Avenue and Richmond Hill Road., Block 02380, Lot(s) 1, Borough of **Staten Island, Community Board: 2**. Variance (§72-21) to permit the installation of an illuminated sign contrary to ZR §32-643. C2-1/R3-2 zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

REGULAR MEETING
FEBRUARY 23, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 23, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

1122-81-BZ
APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.
SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.
COMMUNITY BOARD #4Q

201-08-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for For Our Children, Inc., owner.
SUBJECT – Application October 16, 2015 – Extension of Time to Complete Construction and a Waiver (72-01) for extension of time to complete construction of a previously variance granted to allow the one story commercial building use for 18 parking spaces and offices (UG 6) contrary to use regulation. R3X zoning district.
PREMISES AFFECTED –40-38 216th Street, Block 6290, Lot 070, Borough of Queens.
COMMUNITY BOARD #11Q

231-10-BZ
APPLICANT – Eric Palatnik, P.C., for WIEDC (Williamsburg Infant & Early Childhood Development Center), owner.
SUBJECT – Application November 10, 2015 – Extension of Time to Complete Construction of a Williamsburg Infant and Early Childhood Development Center (the school) and obtain a Certificate of Occupancy which is set to expire on February 14, 2016. M1-1 zoning district.
PREMISES AFFECTED – 430-440 Park Avenue, between Kent Avenue and Franklin Avenue, Block 1898, Lot 029, Borough of Brooklyn.
COMMUNITY BOARD #3BK

2-11-BZ
APPLICANT – Cozen O'connor, for 117 Seventh Avenue South Property Company, LP, owner.
SUBJECT – Application December 16, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to allow for a residential and community facility enlargement to an existing commercial building, contrary to setback (§33-432) and open space regulations (§23-14) which expired on November 22, 2015. C4-5 zoning district.
PREMISES AFFECTED – 117 Seventh Avenue South, southeast corner of Seventh Avenue South and West 10th Street, Block 610, Lot 16, Borough of Manhattan.
COMMUNITY BOARD #2M

APPEALS CALENDAR

174-15-A thru 176-15-A
APPLICANT – Philip L. Rampulla, for Linus Realty, LLC, owner.
SUBJECT – Application August 5, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. M3-1 (SRD) zoning district.
PREMISES AFFECTED – 27 Johnson Street, 100 Mila Way, 101 Mila Way, northeast side of Johnson Street, northwest of Arthur Kill Road, Block 7207, Lot(s) 305, 34, 35, Borough of Staten Island.
COMMUNITY BOARD #3SI

197-15-A
APPLICANT – Slater & Beckerman, P.C., for Mihata Corp., owner; Colossal Media, lessee.
SUBJECT – Application August 25, 2015 – Determination made by Department of Buildings Technical Affairs that under ZR 42-561 a proposed advertising sign, comprising 750 sq. ft. of surface area, may not be located at the premises, facing a Special Mixed Use District (M1-1)/R6A zoning district.
PREMISES AFFECTED – 32 Berry Street, northwest corner of the intersection of Berry Street and North 12th Street, Block 2283, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #3BK

CALENDAR

REGULAR MEETING
FEBRUARY 23, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 23, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK

67-15-BZ
APPLICANT – Francis R. Angelino, Esq., for Alan Manocherian, owner; The Cell Theatre, Co. Ltd., owner.
SUBJECT – Application March 3, 2015 – Special Permit (§73-201) to permit the legalization of a theater (*Cell Theatre*) with a capacity of not more than 500 persons in an existing building. C1-6A zoning district.
PREMISES AFFECTED – 338 West 23rd Street, south side of West 23rd Street between 8th and 9th Avenues, Block 00746, Lot 0053, Borough of Manhattan.
COMMUNITY BOARD #4M

187-15-BZ
APPLICANT – Law Office of Jay Goldstein, for 277 Park Avenue LLC, owner; Sheva NY Inc., lessee.
SUBJECT – Application August 14, 2015 – Proposed operation of a physical culture establishment (*Sheva Thai Spa*) on a portion of the ground floor of the premises. C5-3/C6-6, MID zoning district.
PREMISES AFFECTED – 500-514 Lexington Avenue aka 100-102, East 27th St. East 48th Park Avenue, Block 1302, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #5M

202-15-BZ
APPLICANT – Slater & Beckerman, PC, for 6469 Broadway HDF Company, Inc., owner.
SUBJECT – Application August 27, 2015 – Variance (§72-21) seeks a modification of 25-25 to reduce the required number of parking spaces for an 11-story, non-profit residence for the elderly from 19 to 11. R6/C2-2 zoning district.
PREMISES AFFECTED – 6469 Broadway, Block 05851, Lot 02098, Borough of Bronx.
COMMUNITY BOARD #8BX

Ryan Singer, Executive Director

MINUTES

REGULAR MEETING
FRIDAY MORNING, JANUARY 22, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

10-11-BZ & 11-11-BZ
APPLICANT – Phillip L. Rampulla, for Charles Cannizaro, owner.
SUBJECT – Application September 2, 2015 – Extension of Time to Complete Construction and Amendment (72-21) Extension of time to complete construction for two one family detached residence in which the front and rear yards were modified Amendment to revise the first floor elevation, located within an R3-1 zoning district.
PREMISES AFFECTED – 115 & 121 Finley Avenue, Block 4050, Lot(s) 49, 52, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure, for an extension of time to complete construction pursuant to a variance, which permitted the construction of dwellings that did not provide the required front and rear yards, contrary to ZR §§ 23-45 and 23-47, which expired on July 19, 2015, and an amendment to plans previously approved by the BSA; and

WHEREAS, a public hearing was held on this application on December 15, 2015 after due notice by publication in *The City Record*, and then to decision on January 22, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Finley Avenue between Marine Way and Ebbitts Street, in an R3-1 zoning district, in Staten Island; and

WHEREAS, each lot has approximately 85 feet of frontage on Finley Avenue, Lot 49 has 3,875 sq. ft. of lot area, Lot 52 has 3,961 sq. ft. of lot area, and, combined, the lots have approximately 170 feet of frontage on Finley Avenue and 7,836 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 19, 2011, when, under the BSA Calendar Nos. 10-11-BZ and 11-11-BZ, the Board granted a variance, pursuant to ZR § 72-21, for the construction of two, single family homes which did not comply with the zoning requirements for front and rear yards contrary to ZR §§ 23-45 and 23-47; and

WHEREAS, the applicant represents that subsequent to receiving Board approval, the Department of Buildings ("DOB") approved New Building Applications for the subject site on or around October 28, 2011, but construction on the site has not yet begun because the owner wanted to build the dwellings to suit the owners and no homeowners have yet been secured; and

WHEREAS, on July 19, 2015, pursuant to § ZR 72-23, the variance granted by the Board lapsed; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") revised the Flood Hazard Maps affecting the subject site following Hurricane Sandy in October 2012 and the Preliminary December 5, 2013 Flood Insurance Rate Map ("FIRM") published by FEMA indicated that the subject site was in Flood Zone AE with a base flood elevation of 12, the new first floor elevation of the dwellings constructed on the subject site must have an elevation of 11.88"; and

WHEREAS, the plans for the subject site previously approved by the Board set the first floor elevations for the dwellings on the subject site at 11.00" and, in light of the revised FIRM mandate, the applicant has now proposed first floor elevations for the dwellings of 12.00"; and

WHEREAS, accordingly, the applicant seeks (1) an amendment to the previously approved plans to raise the first floor elevations of the dwellings to 12.00" and (2) an extension of an additional four (4) years to substantially complete construction; and

WHEREAS, in addition, the subject application, received September 2, 2015, was not timely filed and the applicant requests a waiver of BSA Rules of Practice and Procedure § 1-07.3(c)(2); and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment and extension of time to substantially complete construction are appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 19, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to substantially complete construction to July 19, 2019; *on condition* that construction shall substantially conform to the drawings as filed with this application marked "Received September 2, 2015"-(3) sheets and "December 28, 2015"-(1) sheet ; and *on further condition*:

THAT construction shall be substantially completed by July 19, 2019;

THAT all conditions from the prior resolutions not previously waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(DOB Application Nos. 510028140 and 510028159)

Adopted by the Board of Standards and Appeals, January 22, 2016.

528-64-BZ
APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.
SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.
PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for continued hearing.

382-80-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Full Gospel NY Church, owner.
SUBJECT – Application July 29, 2015 – Extension of Term of a previously approved variance permitting the operation of a theater (UG 8) on the mezzanine and second floor of an existing building which expired on July 1, 2015. R8B zoning district.
PREMISES AFFECTED – 316-318 East 91st Street, Block 1553, Lot 41, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for continued hearing.

1255-80-BZ
APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.
SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.
COMMUNITY BOARD #1Q
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

173-92-BZ
APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.
SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar. C2-8A zoning district.
PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for continued hearing.

182-95-BZ
APPLICANT – Rothkrug & Spector LLP, for 2465 Broadway Associates LLC., owner.
SUBJECT – Application October 14, 2014 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a PCE (*Equinox Fitness Club*) which expires on November 1, 2015; Amendment to expand the PCE into the cellar and the full third floor; Waiver of the Rules. C4-6A/R8 zoning district.
PREMISES AFFECTED – 2465 Broadway, West side of Broadway, 50' south of southwest corner of intersection of Broadway and West 92nd Street, Block 01239, Lot 52, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Off-Calendar.

183-95-BZ
APPLICANT – Rothkrug & Spector LLP, for Haymes Broadway LLC, owner.
SUBJECT – Application October 14, 2014 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a PCE (*Equinox Fitness Club*) which expires on November 1, 2015; Amendment to expand the PCE into the cellar and the full third floor; Waiver of the Rules. C4-6A/R8 zoning district.
PREMISES AFFECTED – 2473 Broadway, southwest corner of intersection of Broadway and West 92nd Street, Block 01239, Lot 55, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Off-Calendar.

129-97-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.
SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of

intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

182-06-BZ thru 211-06-A
APPLICANT – Law Office of Lyra J. Altman, for JDS Seagirt LLC, owner.
SUBJECT – Application July 23, 2015 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously granted Common Law Vesting which expires on November 15, 2015. R4A zoning district.
PREMISES AFFECTED – 146, 148, 150 Beach 5th Street, Block 15608, Lot(s) 1, 40, 42. Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previous grant to permit a four-year extension of time to complete construction and obtain Certificates of Occupancy for a prior Board determination that the owner of the premises obtained the right to complete construction of thirty (30) three-story two-family attached residences at the subject site under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this application on December 15, 2015, after due notice by publication in *The City Record*, and then to decision on January 22, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the applicant represents that the subject premises consist of two zoning lots, split into thirty (30) tax lots, on two separate blocks, in an R4A zoning district, in Queens; and

WHEREAS, 14 of the tax lots are located on the western half of Block 15608, bound by Seagirt Avenue to the north, Beach 4th Street to the east, Beach 5th Street to the west and Reynolds Channel to the south; and

WHEREAS, 16 of the tax lots are located on the northern half of Block 15609, bound by Seagirt Avenue to the north, Beach 5th Street to the east, Beach 6th Street to the west, and Reynolds Channel to the south; and

WHEREAS, for purposes of this application, the applicant refers to Block 15608, Lots 1, 61, 63, 65, 67 and 69 as "Cluster 1"; Block 15608, Lots 45, 46, 47, 48, 49, 50, 51 and 52 as "Cluster 2"; Block 15609, Lots 6, 8, 10, 12, 14, 16 and 18 as "Cluster 3"; and Block 15609, Lots 1, 3, 58, 63, 64, 65, 66, 67 and 68 as "Cluster 4"; and

WHEREAS, the applicant proposes to develop one (1) three-story two-family attached residence on each of the thirty (30) subject tax lots, for a total of thirty (30) attached residences; and

WHEREAS, the applicant represents that at the time of the proposed development's approval by the Department of Buildings ("DOB") on March 19, 2004 and subsequent commencement of construction, the subject premises were located within an R5 zoning district; and

WHEREAS, on September 15, 2005 (the "Enactment Date"), the New York City Council adopted the Far Rockaway and Mott Creek Rezoning, which changed the zoning of the subject premises from R5 to R5A; and

WHEREAS, the applicant represents that the proposed development complies with the regulations applicable to the former R5 zoning district, but that attached homes are not permitted within R4A zoning districts; and

WHEREAS, because the proposed development is not in compliance with the provisions of the R4A zoning district and work on the foundations was not completed as of the Enactment Date, the permits lapsed by operation of law; and

WHEREAS, subsequently, the applicant filed a request to continue construction pursuant to the common law doctrine of vested rights; and

WHEREAS, on March 20, 2007, the Board determined that, as of the Enactment Date, the owner had undertaken substantial construction and made substantial expenditures on the project, and that serious loss would result if the owner was denied the right to proceed under the prior zoning, such that the right to continue construction was vested under the common law doctrine of vested rights; and

WHEREAS, the Board granted the applicant four years to complete construction and obtain Certificates of Occupancy, which expired on March 20, 2011; and

WHEREAS, the development was not completed by March 20, 2011 due to financing delays and, the applicant sought an additional extension of time to complete construction and obtain Certificates of Occupancy; and

WHEREAS, on November 15, 2011, the Board determined that an extension was warranted and granted a four-year extension of time, which expired on November 15, 2015; and

WHEREAS, the applicant represents that subsequent to the Board's 2011 grant, the owner was unable to resolve its financial difficulties and continue construction, that the subject premises have recently been sold, and now seeks, on behalf of the new owners, a further extension of time to complete construction and obtain Certificates of Occupancy; and

WHEREAS, the applicant states that the new owners have renewed the DOB permits, prepared the site for construction and begun construction work on the site; and

WHEREAS, the applicant summarizes the work on the site since the Board's approval of an extension of time in 2011 as follows: (1) all piles for the residences in Cluster 1, Cluster 3 and Cluster 4 were driven; (2) excavation for grade beams for the residences in Cluster 1, Cluster 2 and Cluster 4 was completed; (3) grade beams for four residences in Cluster 1 were poured; and (4) completed CMU installation at Cluster 1; and

WHEREAS, additionally, framing and roofing had been

completed on six buildings in Cluster 2 subsequent to the Board's 2007 extension grant, but were removed in order to comply with driveway requirements and new flood regulations; and

WHEREAS, the applicant represents that the configuration of the proposed residences has been further amended so as to ensure that the residences comply with the updated floor regulations, including Appendix G which governs construction in a flood zone, specifically, the first occupied floors of all of the residences have been raised to the new FEMA base elevation and wet flood proofing measures, including flood vents, will be installed; and

WHEREAS, the applicant asserts that all piles and foundations included in the original 2007 vesting application have been maintained and will be utilized; and

WHEREAS, with regards to expenditures, prior to the Board's original grant of an extension of time in 2007, the owner of the site expended approximately $3,800,000 on the development; and

WHEREAS, the applicant states that no expenditures were made between the 2007 and 2011 grants by the Board and that since the Board's 2011 grant of an extension of time, the new owner of the site has expended approximately $1,450,000, for total expenditures of approximately $5,250,000 out of a total projected development cost of $16,000,000 (an increase from the $13,000,000 development cost projected in 2011), or 33 percent; and

WHEREAS, in response to concerns of the Board, the applicant submitted a construction schedule indicating that construction will be complete by January 2017 and averred that the owners have the requisite financing to complete the development; and

WHEREAS, the Board has reviewed the evidence and has determined that an extension of time is warranted; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a four-year extension of time to complete construction and obtain Certificates of Occupancy; and

Therefore it is resolved, that this appeal made pursuant to the common law of vested rights requesting the renewal of DOB Permit Nos. 402146487, 402016625, 402016634, 402016643, 402016652, 402016661, 402016670, 402016689, 401712759, 401712811, 401708345, 401712740, 401712820, 401712768, 402063217, 402063226, 402063501, 402063510, 402063529, 402063538, 402063547, 402146931, 402146940, 402146959, 402146968, 402146977, 402146986, 402146995, 402147002 and 402147011, as well as any related permits for various work types, either already issued or necessary to complete construction and obtain Certificates of Occupancy is granted, and the Board hereby extends the time to complete the proposed development and obtain Certificates of Occupancy for four years from the date of this grant.

Adopted by the Board of Standards and Appeals, January 22, 2016.

136-15-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for BIRB Realty, Inc., owner.

SUBJECT – Application June 10, 2015 – Proposed construction of a building not fronting on a legally mapped street contrary to Section 36 Article 3 of the General City Law.

PREMISES AFFECTED – 521 Durant Avenue, Block 05120, Lot 0062, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated May 11, 2015, acting on DOB Application No. 520232873, reads in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a residence which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on December 15, 2015, after due notice by publication in *The City Record*, and then to decision on January 22, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Durant Avenue, between Fieldway Avenue and Highland Road, in an R3X zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, an Application for Mergers or Apportionments to apportion existing Lot 62 of Block 5120 into New Lots 62, 64, and 66 was filed with the New York City Department of Finance on or around March 13, 2013; and

WHEREAS, in addition to the subject application, the applicant has submitted separate applications to the New York City Department of City Planning ("DCP") for modification of the boundaries of Designated Open Space along Durant Avenue and Ocean Road (N 150340 ZRR), certification pursuant to ZR § 107-08 to facilitate subdivision of one zoning lot into three new zoning lots (N 140172 RCR) and certification pursuant to ZR § 107-21 for school seats (N 140173 RCR); and

WHEREAS, DCP approved the applications on December 16, 2015 and, on January 24, 2016, the New York

City Council adopted DCP's approval for the text change to modify the boundaries of Designated Open Space by Resolution No. 965-2016; and

WHEREAS, New Lot 62, subject of this application, is an irregular lot, approximately 40 feet in width, 109 feet in depth and with 4,706 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the adjacent New Lot 64 and New Lot 66 since February 11, 2014 when, under BSA Calendar Nos. 287-13-A and 288-13-A, the Board granted on condition an appeal to permit the construction of two (2) two-family homes not fronting a legally mapped street, contrary to GCL § 36; and

WHEREAS, these previous approvals did not concern New Lot 62 and the applicant represents that no amendment to these previous approvals is hereby sought; and

WHEREAS, the applicant proposes to construct a two (2) story plus cellar two (2) family dwelling with 2,794 sq. ft. of floor area and a floor area ratio ("FAR") of 0.59; and

WHEREAS, the proposed structure will comply with all applicable provisions of the R3X and Special South Richmond Development District regulations; and

WHEREAS, the dwelling will be fully sprinklered per fire and building code requirements;

WHEREAS, the dwelling will front on an existing paved portion of Durant Avenue, recognized by a Corporation Counsel Opinion (CCO) dated May 16, 1995, extending 150 feet from the southwest intersection of Durant Avenue and Fieldway Avenue and which the applicant represents is improved to a width of 34 feet; and

WHEREAS, by letter dated December 3, 2015, the Fire Department stated that it had no objections and provided the following recommendations: (1) no parking signs, complying with Fire Code FC 503.2.7.2.1, will be installed along both sides of Durant Avenue, if not already installed; (2) a note will be added to the drawings indicating that the Home Owners Association ("HOA") will assume the legal responsibility for compliance of the parking restrictions; (3) a formal Restrictive Declaration, citing the parking restrictions and naming the HOA as the entity that will be legally responsible for compliance, subject to enforcement actions of the Fire Commissioner, will be filed; and

WHEREAS, by letter dated January 20, 2016, the Fire Department withdrew its request that a Restrictive Declaration be filed for the site; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated May 11, 2015, acting on DOB Application No. 520232873, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received June 10, 2015"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT no parking signs, complying with Fire Code FC 503.2.7.2.1, will be installed along both sides of Durant Avenue, if not already installed;

THAT a note will be added to the drawings indicating that the Home Owners Association ("HOA") will assume the legal responsibility for compliance of the parking restrictions;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the subject building shall be fully sprinklered per the New York City Fire Code;

THAT all necessary approvals from the Department of City Planning (DCP) shall be obtained;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

220-15-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Ridgeway Abstracts LLC., owner.

SUBJECT – Application September 14, 2015 – Proposed construction of a mixed use building that does not front on a legally mapped street, contrary to Article 3, Section 36 of the General City Law. R3A zoning district.

PREMISES AFFECTED – 3858-60 Victory Boulevard, east corner of intersection of Victory Boulevard and Ridgeway Avenue, Block 2610, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated August 13, 2015 acting on DOB Application No. 520073802, read in pertinent part:

> The street giving access to proposed horizontal and vertical enlargement of one story building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building(s) fronting directly upon a legally mapped street or frontage space contrary to section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the development of a two-story mixed use building on a lot that does not front on a mapped street, contrary to General City

Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on January 22, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Community Board 2, Staten Island, recommended approval of the application; and

WHEREAS, the subject premises are located on the northeast corner of Victory Boulevard and Ridgeway Avenue, in an R3A zoning district, on Staten Island; and

WHEREAS, the site has approximately 100 feet of frontage along Victory Boulevard, 127 feet of frontage along Ridgeway Avenue, 12,712 sq. ft. of lot area, and is presently occupied by one-story mixed use building; and

WHEREAS, the applicant proposes to enlarge the existing building into a two-story mixed use building with medical offices and a single dwelling unit; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 17, 2014 when, under BSA Calendar No. 213-13-BZ, the Board granted a special permit allowing development of the subject proposed enlargement to a two-story building having a maximum of 5,967 sq. ft. of community facility floor area, contrary to ZR § 22-14, a maximum of 347 sq. ft. of residential floor area (total floor area of 6,314 sq. ft. (0.5 FAR)), maximum lot coverage of 37.5 percent, and 17 parking spaces, as reflected on the BSA-approved plans; and

WHEREAS, the applicant seeks the subject relief because the proposed building will front on Victory Boulevard and Ridgeway Avenue, neither of which are duly placed on the official map of the City of New York; and

WHEREAS, the applicant represents that both Victory Boulevard and Ridgeway Avenue are, however, paved and improved, and that Victory Boulevard is a major thoroughfare in the area and, at the subject premises, is paved and improved to a width of 37 ft.; and

WHEREAS, the applicant further states that Victory Boulevard already provides access to several buildings located to the north and south of the subject premises, including residential and commercial buildings located on a mapped portion of Victory Boulevard immediately to the north, and that Ridgeway Avenue provides access to several buildings located to the east of the subject premises; and

WHEREAS, the applicant represents that the proposed building will be accessed by an 18 feet curb cut on Victory Boulevard and a 12 feet curb cut on Ridgeway Avenue; and

WHEREAS, by letter dated January 20, 2016, the Fire Department states that it has no objection to the proposal; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decisions of the DOB, dated August 13, 2015 acting on DOB Application No. 520073802, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received September 14, 2015"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the DOB;

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

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-4-A**
PREMISES: **5B Edgewater Park, Bronx**
Block 5517, Lot 61
Build it Back ID: **APP-022372**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Edgewater Park within an R4A zoning district, in Bronx; and

WHEREAS, the site has 200 feet of frontage along Edgewater Park and 126400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-5-A**
PREMISES: **3804 Sea Gate Avenue, Brooklyn**
Block 7025, Lot 7501
Build it Back ID: **APP-009584**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sea Gate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Sea Gate Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-6-A**
PREMISES: **3734 Oceanic Avenue, Brooklyn**
Block 7029, Lot 7502
Build it Back ID: **APP-006070**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Oceanic Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-7-A**
PREMISES: **3757 Polar Street, Brooklyn**
Block 6956, Lot 1
Build it Back ID: **APP-014695**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-8-A**
PREMISES: **3763 Nautilus Avenue, Brooklyn**
Block 7003, Lot 1
Build it Back ID: **APP-018284**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-9-A**
PREMISES: **3855 Lyme Avenue, Brooklyn**
Block 6976, Lot 1
Build it Back ID: **APP-004028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Lyme Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-10-A**
PREMISES: **3857 Cypress Avenue, Brooklyn**
Block 6960, Lot 1
Build it Back ID: **APP-011904**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 56 feet of frontage along Cypress Avenue and 3612 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-11-A**
PREMISES: **3871 Poplar Avenue, Brooklyn**
Block 6955, Lot 1
Build it Back ID: **APP-008172**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Poplar Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-12-A**
PREMISES: **3931 Lyme Avenue, Brooklyn**
Block 6975, Lot 1
Build it Back ID: **APP-019737**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 51 feet of frontage along Lyme Avenue and 3680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-13-A**
PREMISES: **4001 Seagate Avenue, Brooklyn**
Block 7000, Lot 1
Build it Back ID: **APP-019559**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Seagate Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-14-A**
PREMISES: **4006 Atlantic Avenue, Brooklyn**
Block 7042, Lot 1
Build it Back ID: **APP-007575**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Atlantic Avenue and 10000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-15-A**
PREMISES: **4101 Seagate Avenue, Brooklyn**
Block 6977, Lot 1
Build it Back ID: **APP-004296**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 57 feet of frontage along Seagate Avenue and 3990 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-16-A**
PREMISES: **4200 Atlantic Avenue, Brooklyn**
Block 7041, Lot 1
Build it Back ID: **APP-003851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Atlantic Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-17-A**
PREMISES: **4305 Manhattan Avenue, Brooklyn**
Block 6959, Lot 1
Build it Back ID: **APP-021184**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 70 feet of frontage along Manhattan Avenue and 2365 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-18-A**
PREMISES: **4405 Highland Avenue, Brooklyn**
Block 6957, Lot 1
Build it Back ID: **APP-003858**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Highland Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-19-A**
PREMISES: **4510 Surf Avenue, Brooklyn**
Block 7038, Lot 1
Build it Back ID: **APP-002916**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 109 feet of frontage along Surf Avenue and 2728 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-20-A**
PREMISES: **4600 Surf Avenue, Brooklyn**
Block 7037, Lot 1
Build it Back ID: **APP-023505**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Surf Avenue and 2789 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-21-A**
PREMISES: **3865 Ocean View Avenue, Brooklyn**
Block 6955, Lot 2
Build it Back ID: **APP-009186**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Ocean View Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 52 feet of frontage along Ocean View Avenue and 5720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-22-A**
PREMISES: **3907 Seagate Avenue, Brooklyn**
Block 7003, Lot 3
Build it Back ID: **APP-004333**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Seagate Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-23-A**
PREMISES: **4005 Sea Gate Avenue, Brooklyn**
Block 7000, Lot 3
Build it Back ID: **APP-016353**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sea Gate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Sea Gate Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-24-A**
PREMISES: **4107 Highland Avenue, Brooklyn**
Block 6976, Lot 3
Build it Back ID: **APP-022251**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Highland Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-25-A**
PREMISES: **4205 Manhattan Avenue, Brooklyn**
Block 6972, Lot 3
Build it Back ID: **APP-021512**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Manhattan Avenue and 3055 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-26-A**
PREMISES: **4307 Highland Avenue, Brooklyn**
Block 6960, Lot 3
Build it Back ID: **APP-008089**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 44 feet of frontage along Highland Avenue and 2838 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-27-A**
PREMISES: **4540 Beach 45 Street, Brooklyn**
Block 7038, Lot 3
Build it Back ID: **APP-003362**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 31 feet of frontage along Beach 45 Street and 2944 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-28-A**
PREMISES: **4634 Beach 46 Street, Brooklyn**
Block 7037, Lot 3
Build it Back ID: **APP-010439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Beach 46 Street and 2973 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-29-A**
PREMISES: **4107 Seagate Avenue, Brooklyn**
Block 6977, Lot 4
Build it Back ID: **APP-022303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 43 feet of frontage along Seagate Avenue and 3010 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-30-A**
PREMISES: **4538 Beach 45 Street, Brooklyn**
Block 7038, Lot 4
Build it Back ID: **APP-003366**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 31 feet of frontage along Beach 45 Street and 3007 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-31-A**
PREMISES: **3860 Nautilus Avenue, Brooklyn**
Block 7025, Lot 5
Build it Back ID: **APP-010065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4084 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-32-A**
PREMISES: **4009 Seagate Avenue, Brooklyn**
Block 7000, Lot 5
Build it Back ID: **APP-019198**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Seagate Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-33-A**
PREMISES: **4211 Highland Avenue, Brooklyn**
Block 6973, Lot 5
Build it Back ID: **APP-013647**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 62 feet of frontage along Highland Avenue and 5022 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-34-A**
PREMISES: **4219 Nautilus Avenue, Brooklyn**
Block 7001, Lot 5
Build it Back ID: **APP-016754**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Nautilus Avenue and 2550 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-35-A**
PREMISES: **4532 Beach 45 Street, Brooklyn**
Block 7038, Lot 5
Build it Back ID: **APP-008943**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along Beach 45 Street and 2940 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-37-A**
PREMISES: **4012 Atlantic Avenue, Brooklyn**
Block 7042, Lot 6
Build it Back ID: **APP-003649**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Atlantic Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-38-A**
PREMISES: **4111 Seagate Avenue, Brooklyn**
Block 6977, Lot 6
Build it Back ID: **APP-022102**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 43 feet of frontage along Seagate Avenue and 3010 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-39-A**
PREMISES: **4467 Surf Avenue, Brooklyn**
Block 7001, Lot 6
Build it Back ID: **APP-001632**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 59 feet of frontage along Surf Avenue and 2751 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-40-A**
PREMISES: **3764 Neptune Avenue, Brooklyn**
Block 7003, Lot 7
Build it Back ID: **APP-011992**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Neptune Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-41-A**
PREMISES: **3844 Nautilus Avenue, Brooklyn**
Block 7025, Lot 7
Build it Back ID: **APP-004215**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Nautilus Avenue and 7997 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-42-A**
PREMISES: **3853 Oceanview Avenue, Brooklyn**
Block 6955, Lot 7
Build it Back ID: **APP-011491**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Oceanview Avenue and 4400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-43-A**
PREMISES: **3900 Maple Avenue, Brooklyn**
Block 6959, Lot 7
Build it Back ID: **APP-004205**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 150 feet of frontage along Maple Avenue and 9000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-44-A**
PREMISES: **4017 Highland Avenue, Brooklyn**
Block 6999, Lot 7
Build it Back ID: **APP-003992**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Highland Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-45-A**
PREMISES: **4315 Highland Avenue, Brooklyn**
Block 6960, Lot 7
Build it Back ID: **APP-001268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Highland Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-46-A**
PREMISES: **3854 Laurel Avenue, Brooklyn**
Block 6976, Lot 8
Build it Back ID: **APP-004092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-47-A**
PREMISES: **4207 Beach 42 Street, Brooklyn**
Block 7028, Lot 8
Build it Back ID: **APP-006650**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 42 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Beach 42 Street and 2550 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-48-A**
PREMISES: **4015 Sea Gate Avenue, Brooklyn**
Block 7000, Lot 9
Build it Back ID: **APP-000924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sea Gate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Sea Gate Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-49-A**
PREMISES: **4016 Atlantic Avenue, Brooklyn**
Block 7042, Lot 9
Build it Back ID: **APP-016364**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Atlantic Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-50-A**
PREMISES: **4315 Sea Gate Avenue, Brooklyn**
Block 6971, Lot 9
Build it Back ID: **APP-003988**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sea Gate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Sea Gate Avenue and 4800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-51-A**
PREMISES: **3760 Polar Street, Brooklyn**
Block 6958, Lot 10
Build it Back ID: **APP-015086**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-52-A**
PREMISES: **3820 Atlantic Avenue, Brooklyn**
Block 7043, Lot 10
Build it Back ID: **APP-024139**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Atlantic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-53-A**
PREMISES: **3852 Maple Avenue, Brooklyn**
Block 6960, Lot 10
Build it Back ID: **APP-007660**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Maple Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-54-A**
PREMISES: **3750 Laurel Avenue, Brooklyn**
Block 6977, Lot 11
Build it Back ID: **APP-010328**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-55-A**
PREMISES: **3756 Bayview Avenue, Brooklyn**
Block 6956, Lot 11
Build it Back ID: **APP-021865**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Bayview Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-56-A**
PREMISES: **3822 Atlantic Avenue, Brooklyn**
Block 7043, Lot 11
Build it Back ID: **APP-016263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Atlantic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-57-A**
PREMISES: **3845 Oceanview Avenue, Brooklyn**
Block 6955, Lot 11
Build it Back ID: **APP-002511**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Oceanview Avenue and 4400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-58-A**
PREMISES: **3848 Cypress Avenue, Brooklyn**
Block 6973, Lot 11
Build it Back ID: **APP-004318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 39 feet of frontage along Cypress Avenue and 3892 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-59-A**
PREMISES: **3848 Laurel Avenue, Brooklyn**
Block 6976, Lot 11
Build it Back ID: **APP-004015**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-60-A**
PREMISES: **3912 Cypress Avenue, Brooklyn**
Block 6972, Lot 11
Build it Back ID: **APP-008650**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Cypress Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-61-A**
PREMISES: **3934 Laurel Avenue, Brooklyn**
Block 6975, Lot 11
Build it Back ID: **APP-011627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-62-A**
PREMISES: **4017 Seagate Avenue, Brooklyn**
Block 7000, Lot 11
Build it Back ID: **APP-019725**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Seagate Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-64-A**
PREMISES: **4514 Beach 45 Street, Brooklyn**
Block 7038, Lot 11
Build it Back ID: **APP-001870**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Beach 45 Street and 3265 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-65-A**
PREMISES: **3742 Nautilus Avenue, Brooklyn**
Block 7027, Lot 12
Build it Back ID: **APP-006145**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Nautilus Avenue and 10000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-66-A**
PREMISES: **3748 Lyme Avenue, Brooklyn**
Block 7000, Lot 12
Build it Back ID: **APP-015391**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-67-A**
PREMISES: **3848 Maple Avenue, Brooklyn**
Block 6960, Lot 12
Build it Back ID: **APP-015866**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-68-A**
PREMISES: **4304 Highland Avenue, Brooklyn**
Block 6959, Lot 12
Build it Back ID: **APP-019971**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Highland Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-69-A**
PREMISES: **4510 Beach 45 Street, Brooklyn**
Block 7038, Lot 12
Build it Back ID: **APP-000081**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Beach 45 Street and 3330 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-70-A**
PREMISES: **4720 Beach 47 Street, Brooklyn**
Block 7036, Lot 12
Build it Back ID: **APP-006395**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 47 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Beach 47 Street and 3008 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-71-A**
PREMISES: **4906 Surf Avenue, Brooklyn**
Block 7034, Lot 12
Build it Back ID: **APP-001780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 43 feet of frontage along Surf Avenue and 4692 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-72-A**
PREMISES: **3744 Lyme Avenue, Brooklyn**
Block 7000, Lot 13
Build it Back ID: **APP-010318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-73-A**
PREMISES: **3746 Laurel Avenue, Brooklyn**
Block 6977, Lot 13
Build it Back ID: **APP-022468**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-74-A**
PREMISES: **3832 Nautilus Avenue, Brooklyn**
Block 7025, Lot 13
Build it Back ID: **APP-004325**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-75-A**
PREMISES: **3841 Oceanview Avenue, Brooklyn**
Block 6955, Lot 13
Build it Back ID: **APP-005432**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Oceanview Avenue and 4015 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-76-A**
PREMISES: **3844 Cypress Avenue, Brooklyn**
Block 6973, Lot 13
Build it Back ID: **APP-019920**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Cypress Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-77-A**
PREMISES: **3844 Laurel Avenue, Brooklyn**
Block 6976, Lot 13
Build it Back ID: **APP-004060**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Laurel Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-78-A**
PREMISES: **3844 Lyme Avenue, Brooklyn**
Block 6999, Lot 13
Build it Back ID: **APP-011575**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Lyme Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-79-A**
PREMISES: **3844 Maple Avenue, Brooklyn**
Block 6960, Lot 13
Build it Back ID: **APP-004127**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-80-A**
PREMISES: **3844 Poplar Avenue, Brooklyn**
Block 6957, Lot 13
Build it Back ID: **APP-018518**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Poplar Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-81-A**
PREMISES: **4028 Atlantic Avenue, Brooklyn**
Block 7042, Lot 13
Build it Back ID: **APP-018487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Atlantic Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-82-A**
PREMISES: **4716 Beach 47 Street, Brooklyn**
Block 7036, Lot 13
Build it Back ID: **APP-008427**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 47 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Beach 47 Street and 3008 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-83-A**
PREMISES: **3742 Maple Avenue, Brooklyn**
Block 6971, Lot 14
Build it Back ID: **APP-009516**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Maple Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-84-A**
PREMISES: **3842 Maple Avenue, Brooklyn**
Block 6960, Lot 14
Build it Back ID: **APP-017912**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-85-A**
PREMISES: **3910 Cypress Avenue, Brooklyn**
Block 6972, Lot 14
Build it Back ID: **APP-020796**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along Cypress Avenue and 2900 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-86-A**
PREMISES: **3740 Lyme Avenue, Brooklyn**
Block 7000, Lot 15
Build it Back ID: **APP-020314**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-87-A**
PREMISES: **3742 Cypress Avenue, Brooklyn**
Block 6974, Lot 15
Build it Back ID: **APP-004324**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-88-A**
PREMISES: **3750 Polar Street, Brooklyn**
Block 6958, Lot 15
Build it Back ID: **APP-007813**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-89-A**
PREMISES: **3828 Atlantic Avenue, Brooklyn**
Block 7043, Lot 15
Build it Back ID: **APP-024010**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Atlantic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-90-A**
PREMISES: **3828 Nautilus Avenue, Brooklyn**
Block 7025, Lot 15
Build it Back ID: **APP-000165**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-91-A**
PREMISES: **3837 Oceanview Avenue, Brooklyn**
Block 6955, Lot 15
Build it Back ID: **APP-004128**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 36 feet of frontage along Oceanview Avenue and 3960 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-92-A**
PREMISES: **3920 Neptune Avenue, Brooklyn**
Block 7001, Lot 15
Build it Back ID: **APP-004085**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Neptune Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-93-A**
PREMISES: **4038 Surf Avenue, Brooklyn**
Block 7028, Lot 15
Build it Back ID: **APP-000398**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Surf Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-94-A**
PREMISES: **4714 Beach 47 Street, Brooklyn**
Block 7036, Lot 15
Build it Back ID: **APP-007796**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 47 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Beach 47 Street and 6392 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-95-A**
PREMISES: **3826 Nautilus Avenue, Brooklyn**
Block 7025, Lot 16
Build it Back ID: **APP-003258**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-96-A**
PREMISES: **3832 Atlantic Avenue, Brooklyn**
Block 7043, Lot 16
Build it Back ID: **APP-002211**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Atlantic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-97-A**
PREMISES: **3840 Laurel Avenue, Brooklyn**
Block 6976, Lot 16
Build it Back ID: **APP-002829**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-98-A**
PREMISES: **3850 Poplar Avenue, Brooklyn**
Block 6957, Lot 16
Build it Back ID: **APP-004722**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Poplar Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-99-A**
PREMISES: **3912 Laurel Avenue, Brooklyn**
Block 6975, Lot 16
Build it Back ID: **APP-007274**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4008 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-100-A**
PREMISES: **4504 Beach 45 Street, Brooklyn**
Block 7038, Lot 16
Build it Back ID: **APP-005397**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Beach 45 Street and 4720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-101-A**
PREMISES: **4614 Beach 46 Street, Brooklyn**
Block 7037, Lot 16
Build it Back ID: **APP-005717**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Beach 46 Street and 4350 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-102-A**
PREMISES: **3734 Nautilus Avenue, Brooklyn**
Block 7027, Lot 17
Build it Back ID: **APP-011837**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-103-A**
PREMISES: **3738 Maple Avenue, Brooklyn**
Block 6971, Lot 17
Build it Back ID: **APP-003664**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Maple Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-104-A**
PREMISES: **3836 Cypress Avenue, Brooklyn**
Block 6973, Lot 17
Build it Back ID: **APP-000897**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Cypress Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-105-A**
PREMISES: **3836 Laurel Avenue, Brooklyn**
Block 6976, Lot 17
Build it Back ID: **APP-022271**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-106-A**
PREMISES: **3836 Lyme Avenue, Brooklyn**
Block 6999, Lot 17
Build it Back ID: **APP-010106**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Lyme Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-107-A**
PREMISES: **3846 Poplar Avenue, Brooklyn**
Block 6957, Lot 17
Build it Back ID: **APP-003249**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Poplar Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-108-A**
PREMISES: **3915 Cypress Avenue, Brooklyn**
Block 6959, Lot 17
Build it Back ID: **APP-007780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Cypress Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-109-A**
PREMISES: **4034 Atlantic Avenue, Brooklyn**
Block 7042, Lot 17
Build it Back ID: **APP-001147**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 70 feet of frontage along Atlantic Avenue and 7000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-110-A**
PREMISES: **3734 Lyme Avenue, Brooklyn**
Block 7000, Lot 18
Build it Back ID: **APP-019501**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Lyme Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-111-A**
PREMISES: **3736 Cypress Avenue, Brooklyn**
Block 6974, Lot 18
Build it Back ID: **APP-019214**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-112-A**
PREMISES: **3822 Nautilus Avenue, Brooklyn**
Block 7025, Lot 18
Build it Back ID: **APP-021470**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 47 feet of frontage along Nautilus Avenue and 4700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-113-A**
PREMISES: **3836 Maple Avenue, Brooklyn**
Block 6960, Lot 18
Build it Back ID: **APP-002790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 2950 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-114-A**
PREMISES: **3902 Cypress Avenue, Brooklyn**
Block 6972, Lot 18
Build it Back ID: **APP-007619**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 42 feet of frontage along Cypress Avenue and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-115-A**
PREMISES: **4500 Beach 45 Street, Brooklyn**
Block 7038, Lot 18
Build it Back ID: **APP-004011**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Beach 45 Street and 5490 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-116-A**
PREMISES: **5148 Oceanview Avenue, Brooklyn**
Block 7024, Lot 18
Build it Back ID: **APP-004274**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Oceanview Avenue and 3850 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-117-A**
PREMISES: **3730 Nautilus Avenue, Brooklyn**
Block 7027, Lot 19
Build it Back ID: **APP-012064**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-118-A**
PREMISES: **3732 Cypress Avenue, Brooklyn**
Block 6974, Lot 19
Build it Back ID: **APP-000786**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-119-A**
PREMISES: **3832 Lyme Avenue, Brooklyn**
Block 6999, Lot 19
Build it Back ID: **APP-000435**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Lyme Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-120-A**
PREMISES: **3834 Cypress Avenue, Brooklyn**
Block 6973, Lot 19
Build it Back ID: **APP-006156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-121-A**
PREMISES: **3838 Atlantic Avenue, Brooklyn**
Block 7043, Lot 19
Build it Back ID: **APP-007490**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Atlantic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-122-A**
PREMISES: **4016 Highland Avenue, Brooklyn**
Block 6998, Lot 19
Build it Back ID: **APP-003961**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 53 feet of frontage along Highland Avenue and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-123-A**
PREMISES: **3832 Maple Avenue, Brooklyn**
Block 6960, Lot 20
Build it Back ID: **APP-015907**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 59 feet of frontage along Maple Avenue and 5750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-124-A**
PREMISES: **4606 Beach 46 Street, Brooklyn**
Block 7037, Lot 20
Build it Back ID: **APP-003674**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Beach 46 Street and 3977 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-125-A**
PREMISES: **3730 Laurel Avenue, Brooklyn**
Block 6977, Lot 21
Build it Back ID: **APP-019043**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Laurel Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-126-A**
PREMISES: **3826 Cypress Avenue, Brooklyn**
Block 6973, Lot 22
Build it Back ID: **APP-011765**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Cypress Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-127-A**
PREMISES: **3826 Laurel Avenue, Brooklyn**
Block 6976, Lot 22
Build it Back ID: **APP-002341**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Laurel Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-128-A**
PREMISES: **3844 Atlantic Avenue, Brooklyn**
Block 7043, Lot 22
Build it Back ID: **APP-002930**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Atlantic Avenue and 4500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-129-A**
PREMISES: **4114 Highland Avenue, Brooklyn**
Block 6975, Lot 22
Build it Back ID: **APP-002468**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Highland Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-130-A**
PREMISES: **4602 Beach 46 Street, Brooklyn**
Block 7037, Lot 22
Build it Back ID: **APP-003002**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Beach 46 Street and 3853 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-131-A**
PREMISES: **3726 Neptune Avenue, Brooklyn**
Block 7003, Lot 23
Build it Back ID: **APP-003382**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-132-A**
PREMISES: **4024 Surf Avenue, Brooklyn**
Block 7028, Lot 23
Build it Back ID: **APP-022977**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Surf Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-133-A**
PREMISES: **3722 Nautilus Avenue, Brooklyn**
Block 7027, Lot 24
Build it Back ID: **APP-013761**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-134-A**
PREMISES: **3820 Laurel Avenue, Brooklyn**
Block 6976, Lot 24
Build it Back ID: **APP-001702**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Laurel Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-135-A**
PREMISES: **3822 Cypress Avenue, Brooklyn**
Block 6973, Lot 24
Build it Back ID: **APP-012994**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Cypress Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-136-A**
PREMISES: **3824 Maple Avenue, Brooklyn**
Block 6960, Lot 24
Build it Back ID: **APP-011611**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-137-A**
PREMISES: **3828 Lyme Avenue, Brooklyn**
Block 6999, Lot 24
Build it Back ID: **APP-001901**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Lyme Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-138-A**
PREMISES: **4106 Highland Avenue, Brooklyn**
Block 6975, Lot 24
Build it Back ID: **APP-019134**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Highland Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-139-A**
PREMISES: **3720 Nautilus Avenue, Brooklyn**
Block 7027, Lot 25
Build it Back ID: **APP-016065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Nautilus Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-140-A**
PREMISES: **3722 Neptune Avenue, Brooklyn**
Block 7003, Lot 25
Build it Back ID: **APP-004691**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-141-A**
PREMISES: **3820 Lyme Avenue, Brooklyn**
Block 6999, Lot 25
Build it Back ID: **APP-013290**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Lyme Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-142-A**
PREMISES: **3820 Maple Avenue, Brooklyn**
Block 6960, Lot 25
Build it Back ID: **APP-019305**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-143-A**
PREMISES: **4050 Atlantic Avenue, Brooklyn**
Block 7042, Lot 25
Build it Back ID: **APP-010040**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 110 feet of frontage along Atlantic Avenue and 15000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-144-A**
PREMISES: **3720 Laurel Avenue, Brooklyn**
Block 6977, Lot 26
Build it Back ID: **APP-015399**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Laurel Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-145-A**
PREMISES: **3720 Lyme Avenue, Brooklyn**
Block 7000, Lot 26
Build it Back ID: **APP-004336**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Lyme Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-146-A**
PREMISES: **3814 Maple Avenue, Brooklyn**
Block 6960, Lot 27
Build it Back ID: **APP-006388**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-147-A**
PREMISES: **3815 Oceanview Avenue, Brooklyn**
Block 6955, Lot 27
Build it Back ID: **APP-019169**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Oceanview Avenue and 4015 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-148-A**
PREMISES: **3917 Laurel Avenue, Brooklyn**
Block 6972, Lot 27
Build it Back ID: **APP-013520**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-149-A**
PREMISES: **4205 Nautilus Avenue, Brooklyn**
Block 7001, Lot 27
Build it Back ID: **APP-004299**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-150-A**
PREMISES: **5017 Surf Avenue, Brooklyn**
Block 7024, Lot 27
Build it Back ID: **APP-019705**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Surf Avenue and 8900 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-151-A**
PREMISES: **2841 Brighton 3 Street, Brooklyn**
Block 7261, Lot 28
Build it Back ID: **APP-015533**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 21 feet of frontage along Brighton 3 Street and 1707 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-152-A**
PREMISES: **3714 Nautilus Avenue, Brooklyn**
Block 7027, Lot 28
Build it Back ID: **APP-006953**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Nautilus Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-153-A**
PREMISES: **3809 Oceanview Avenue, Brooklyn**
Block 6955, Lot 28
Build it Back ID: **APP-009883**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Oceanview Avenue and 4015 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-154-A**
PREMISES: **3814 Lyme Avenue, Brooklyn**
Block 6999, Lot 28
Build it Back ID: **APP-003982**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Lyme Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-155-A**
PREMISES: **3714 Neptune Avenue, Brooklyn**
Block 7003, Lot 29
Build it Back ID: **APP-019456**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-156-A**
PREMISES: **3724 Atlantic Avenue, Brooklyn**
Block 7044, Lot 29
Build it Back ID: **APP-003150**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Atlantic Avenue and 4146 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-157-A**
PREMISES: **3801 Oceanview Avenue, Brooklyn**
Block 6955, Lot 29
Build it Back ID: **APP-004178**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 42 feet of frontage along Oceanview Avenue and 4565 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-158-A**
PREMISES: **3816 Laurel Avenue, Brooklyn**
Block 6976, Lot 29
Build it Back ID: **APP-003764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Laurel Avenue and 2750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-159-A**
PREMISES: **5021 Surf Avenue, Brooklyn**
Block 7024, Lot 29
Build it Back ID: **APP-020098**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Surf Avenue and 6350 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-160-A**
PREMISES: **3710 Neptune Avenue, Brooklyn**
Block 7003, Lot 30
Build it Back ID: **APP-003452**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-161-A**
PREMISES: **3717 Seagate Avenue, Brooklyn**
Block 7029, Lot 30
Build it Back ID: **APP-013073**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Seagate Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-162-A**
PREMISES: **3812 Maple Avenue, Brooklyn**
Block 6960, Lot 30
Build it Back ID: **APP-005411**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-163-A**
PREMISES: **4216 Surf Avenue, Brooklyn**
Block 7026, Lot 30
Build it Back ID: **APP-000581**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along Surf Avenue and 2850 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-164-A**
PREMISES: **3708 Neptune Avenue, Brooklyn**
Block 7003, Lot 31
Build it Back ID: **APP-003939**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Neptune Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-165-A**
PREMISES: **3814 Laurel Avenue, Brooklyn**
Block 6976, Lot 31
Build it Back ID: **APP-003967**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Laurel Avenue and 2525 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-166-A**
PREMISES: **3710 Laurel Avenue, Brooklyn**
Block 6977, Lot 32
Build it Back ID: **APP-004055**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Laurel Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-167-A**
PREMISES: **3748 Oceanic Avenue, Brooklyn**
Block 7029, Lot 32
Build it Back ID: **APP-004049**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Oceanic Avenue and 3508 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-168-A**
PREMISES: **3808 Maple Avenue, Brooklyn**
Block 6960, Lot 32
Build it Back ID: **APP-001514**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-169-A**
PREMISES: **3923 Laurel Avenue, Brooklyn**
Block 6972, Lot 32
Build it Back ID: **APP-022004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Laurel Avenue and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-170-A**
PREMISES: **310 Oceanview Avenue, Brooklyn**
Block 8673, Lot 33
Build it Back ID: **APP-012780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Oceanview Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-171-A**
PREMISES: **3704 Cypress Avenue, Brooklyn**
Block 6974, Lot 33
Build it Back ID: **APP-006957**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Cypress Avenue and 3450 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-172-A**
PREMISES: **3708 Laurel Avenue, Brooklyn**
Block 6977, Lot 33
Build it Back ID: **APP-005597**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Laurel Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-173-A**
PREMISES: **3708 Lyme Avenue, Brooklyn**
Block 7000, Lot 33
Build it Back ID: **APP-003782**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Lyme Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-174-A**
PREMISES: **3715 Atlantic Avenue, Brooklyn**
Block 7032, Lot 33
Build it Back ID: **APP-019745**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Atlantic Avenue and 4913 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-175-A**
PREMISES: **38 Tudor Terrace, Brooklyn**
Block 7027, Lot 33
Build it Back ID: **APP-002719**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tudor Terrace within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Tudor Terrace and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-176-A**
PREMISES: **3803 Atlantic Avenue, Brooklyn**
Block 7030, Lot 33
Build it Back ID: **APP-008195**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 63 feet of frontage along Atlantic Avenue and 6300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-177-A**
PREMISES: **312 Oceanview Avenue, Brooklyn**
Block 8673, Lot 34
Build it Back ID: **APP-012839**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Oceanview Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-178-A**
PREMISES: **3744 Oceanic Avenue, Brooklyn**
Block 7029, Lot 34
Build it Back ID: **APP-023745**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Oceanic Avenue and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-179-A**
PREMISES: **4014 Sea Gate Avenue, Brooklyn**
Block 6999, Lot 34
Build it Back ID: **APP-017691**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sea Gate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Sea Gate Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-180-A**
PREMISES: **1 Brighton 3 Road, Brooklyn**
Block 7261, Lot 35
Build it Back ID: **APP-021317**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Road within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 18 feet of frontage along Brighton 3 Road and 1024 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-181-A**
PREMISES: **34 Tudor Terrace, Brooklyn**
Block 7027, Lot 35
Build it Back ID: **APP-006546**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tudor Terrace within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Tudor Terrace and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-182-A**
PREMISES: **3704 Laurel Avenue, Brooklyn**
Block 6977, Lot 35
Build it Back ID: **APP-005134**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Laurel Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-183-A**
PREMISES: **3740 Oceanic Avenue, Brooklyn**
Block 7029, Lot 35
Build it Back ID: **APP-004393**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Oceanic Avenue and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-184-A**
PREMISES: **3813 Poplar Avenue, Brooklyn**
Block 6955, Lot 35
Build it Back ID: **APP-021009**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Poplar Avenue and 3650 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-185-A**
PREMISES: **4210 Surf Avenue, Brooklyn**
Block 7026, Lot 35
Build it Back ID: **APP-007580**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 44 feet of frontage along Surf Avenue and 2871 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-186-A**
PREMISES: **4407 Beach 44 Street, Brooklyn**
Block 7040, Lot 35
Build it Back ID: **APP-023605**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 44 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Beach 44 Street and 2396 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-187-A**
PREMISES: **3704 Lyme Avenue, Brooklyn**
Block 7000, Lot 36
Build it Back ID: **APP-003749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Lyme Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-188-A**
PREMISES: **3704 Polar Street, Brooklyn**
Block 6958, Lot 36
Build it Back ID: **APP-015147**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-190-A**
PREMISES: **3802 Neptune Avenue, Brooklyn**
Block 7002, Lot 36
Build it Back ID: **APP-016404**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Neptune Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-191-A**
PREMISES: **3804 Maple Avenue, Brooklyn**
Block 6960, Lot 36
Build it Back ID: **APP-021749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-192-A**
PREMISES: **3809 Atlantic Avenue, Brooklyn**
Block 7030, Lot 36
Build it Back ID: **APP-009816**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 57 feet of frontage along Atlantic Avenue and 5700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-193-A**
PREMISES: **4409 Beach 44 Street, Brooklyn**
Block 7040, Lot 36
Build it Back ID: **APP-014017**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 44 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 34 feet of frontage along Beach 44 Street and 3740 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-194-A**
PREMISES: **30 Tudor Terrace, Brooklyn**
Block 7027, Lot 37
Build it Back ID: **APP-017830**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tudor Terrace within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Tudor Terrace and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-195-A**
PREMISES: **3702 Polar Street, Brooklyn**
Block 6958, Lot 37
Build it Back ID: **APP-010935**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-196-A**
PREMISES: **3736 Oceanic Avenue, Brooklyn**
Block 7029, Lot 37
Build it Back ID: **APP-021843**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Oceanic Avenue and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-197-A**
PREMISES: **5101 Beach 51 Street, Brooklyn**
Block 7033, Lot 37
Build it Back ID: **APP-024105**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 51 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Beach 51 Street and 10597 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-198-A**
PREMISES: **28 Tudor Terrace, Brooklyn**
Block 7027, Lot 38
Build it Back ID: **APP-011913**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tudor Terrace within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Tudor Terrace and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-200-A**
PREMISES: **3801 Maple Avenue, Brooklyn**
Block 6957, Lot 38
Build it Back ID: **APP-006384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-201-A**
PREMISES: **3811 Oceanic Avenue, Brooklyn**
Block 7025, Lot 38
Build it Back ID: **APP-000104**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Oceanic Avenue and 4033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-202-A**
PREMISES: **4007 Atlantic Avenue, Brooklyn**
Block 7028, Lot 38
Build it Back ID: **APP-007482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Atlantic Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-203-A**
PREMISES: **3701 Laurel Avenue, Brooklyn**
Block 6974, Lot 39
Build it Back ID: **APP-010538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Laurel Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-204-A**
PREMISES: **3801 Cypress Avenue, Brooklyn**
Block 6960, Lot 39
Build it Back ID: **APP-025459**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-205-A**
PREMISES: **4100 Seagate Avenue, Brooklyn**
Block 6976, Lot 39
Build it Back ID: **APP-001945**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 100 feet of frontage along Seagate Avenue and 10000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-206-A**
PREMISES: **3701 Neptune Avenue, Brooklyn**
Block 7000, Lot 40
Build it Back ID: **APP-016543**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Neptune Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-207-A**
PREMISES: **3703 Laurel Avenue, Brooklyn**
Block 6974, Lot 40
Build it Back ID: **APP-001212**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Laurel Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-208-A**
PREMISES: **3805 Cypress Avenue, Brooklyn**
Block 6960, Lot 40
Build it Back ID: **APP-002354**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-209-A**
PREMISES: **4210 Beach 42 Street, Brooklyn**
Block 7026, Lot 40
Build it Back ID: **APP-003647**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 42 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 34 feet of frontage along Beach 42 Street and 3400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-210-A**
PREMISES: **4318 Atlantic Avenue, Brooklyn**
Block 7040, Lot 40
Build it Back ID: **APP-020160**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Atlantic Avenue and 3480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-211-A**
PREMISES: **3703 Nautilus Avenue, Brooklyn**
Block 7003, Lot 41
Build it Back ID: **APP-010824**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Nautilus Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-212-A**
PREMISES: **3829 Poplar Avenue, Brooklyn**
Block 6955, Lot 41
Build it Back ID: **APP-013893**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Poplar Avenue and 3650 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-213-A**
PREMISES: **3705 Laurel Avenue, Brooklyn**
Block 6974, Lot 42
Build it Back ID: **APP-016862**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Laurel Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-214-A**
PREMISES: **3705 Lyme Avenue, Brooklyn**
Block 6977, Lot 42
Build it Back ID: **APP-022474**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lyme Avenue and 2300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-215-A**
PREMISES: **3707 Nautilus Avenue, Brooklyn**
Block 7003, Lot 42
Build it Back ID: **APP-007379**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Nautilus Avenue and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-216-A**
PREMISES: **3807 Laurel Avenue, Brooklyn**
Block 6973, Lot 42
Build it Back ID: **APP-014935**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 43 feet of frontage along Laurel Avenue and 3010 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-217-A**
PREMISES: **3809 Cypress Avenue, Brooklyn**
Block 6960, Lot 42
Build it Back ID: **APP-019806**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Cypress Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-218-A**
PREMISES: **3707 Laurel Avenue, Brooklyn**
Block 6974, Lot 43
Build it Back ID: **APP-010862**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Laurel Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-219-A**
PREMISES: **3709 Nautilus Avenue, Brooklyn**
Block 7003, Lot 43
Build it Back ID: **APP-006201**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Nautilus Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-220-A**
PREMISES: **3821 Atlantic Avenue, Brooklyn**
Block 7030, Lot 43
Build it Back ID: **APP-004141**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Atlantic Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-221-A**
PREMISES: **3821 Oceanic Avenue, Brooklyn**
Block 7025, Lot 43
Build it Back ID: **APP-004738**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-222-A**
PREMISES: **3833 Poplar Avenue, Brooklyn**
Block 6955, Lot 43
Build it Back ID: **APP-008876**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Poplar Avenue and 3650 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-223-A**
PREMISES: **4505 Beach 45 Street, Brooklyn**
Block 7039, Lot 43
Build it Back ID: **APP-007125**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 45 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 152 feet of frontage along Beach 45 Street and 14400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-224-A**
PREMISES: **3711 Lyme Avenue, Brooklyn**
Block 6977, Lot 44
Build it Back ID: **APP-002156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Lyme Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-225-A**
PREMISES: **3713 Cypress Avenue, Brooklyn**
Block 6971, Lot 44
Build it Back ID: **APP-001500**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Cypress Avenue and 4500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-226-A**
PREMISES: **3713 Nautilus Avenue, Brooklyn**
Block 7003, Lot 44
Build it Back ID: **APP-016258**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Nautilus Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-227-A**
PREMISES: **3815 Maple Avenue, Brooklyn**
Block 6957, Lot 44
Build it Back ID: **APP-005554**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-228-A**
PREMISES: **3815 Nautilus Avenue, Brooklyn**
Block 7002, Lot 44
Build it Back ID: **APP-013831**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Nautilus Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-229-A**
PREMISES: **3715 Maple Avenue, Brooklyn**
Block 6958, Lot 45
Build it Back ID: **APP-018730**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Maple Avenue and 2467 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-230-A**
PREMISES: **3715 Oceanic Avenue, Brooklyn**
Block 7027, Lot 45
Build it Back ID: **APP-005583**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Oceanic Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-231-A**
PREMISES: **3722 Oceanic Avenue, Brooklyn**
Block 7029, Lot 45
Build it Back ID: **APP-012990**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-232-A**
PREMISES: **3815 Cypress Avenue, Brooklyn**
Block 6960, Lot 45
Build it Back ID: **APP-018355**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 70 feet of frontage along Cypress Avenue and 7000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-233-A**
PREMISES: **3715 Lyme Avenue, Brooklyn**
Block 6977, Lot 46
Build it Back ID: **APP-000188**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-234-A**
PREMISES: **3717 Cypress Avenue, Brooklyn**
Block 6971, Lot 46
Build it Back ID: **APP-023178**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Cypress Avenue and 4500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-235-A**
PREMISES: **3827 Oceanic Avenue, Brooklyn**
Block 7025, Lot 46
Build it Back ID: **APP-003299**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-236-A**
PREMISES: **3839 Poplar Avenue, Brooklyn**
Block 6955, Lot 46
Build it Back ID: **APP-009177**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Poplar Avenue and 3650 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-237-A**
PREMISES: **5139 Surf Avenue, Brooklyn**
Block 7024, Lot 46
Build it Back ID: **APP-012996**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 95 feet of frontage along Surf Avenue and 5123 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-238-A**
PREMISES: **3705 Polar Street, Brooklyn**
Block 6956, Lot 47
Build it Back ID: **APP-014251**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-239-A**
PREMISES: **3713 Laurel Avenue, Brooklyn**
Block 6974, Lot 47
Build it Back ID: **APP-005345**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Laurel Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-240-A**
PREMISES: **3719 Oceanic Avenue, Brooklyn**
Block 7027, Lot 47
Build it Back ID: **APP-000267**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-241-A**
PREMISES: **3817 Laurel Avenue, Brooklyn**
Block 6973, Lot 47
Build it Back ID: **APP-004422**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-242-A**
PREMISES: **3829 Oceanic Avenue, Brooklyn**
Block 7025, Lot 47
Build it Back ID: **APP-007692**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-243-A**
PREMISES: **3707 Polar Street, Brooklyn**
Block 6956, Lot 48
Build it Back ID: **APP-024368**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-244-A**
PREMISES: **3715 Laurel Avenue, Brooklyn**
Block 6974, Lot 48
Build it Back ID: **APP-006993**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Laurel Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-245-A**
PREMISES: **3821 Nautilus Avenue, Brooklyn**
Block 7002, Lot 48
Build it Back ID: **APP-007749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Nautilus Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-246-A**
PREMISES: **3831 Atlantic Avenue, Brooklyn**
Block 7030, Lot 48
Build it Back ID: **APP-018840**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Atlantic Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-247-A**
PREMISES: **3712 Oceanic Avenue, Brooklyn**
Block 7029, Lot 49
Build it Back ID: **APP-003552**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Oceanic Avenue and 3300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-248-A**
PREMISES: **3721 Cypress Avenue, Brooklyn**
Block 6971, Lot 49
Build it Back ID: **APP-012984**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 53 feet of frontage along Cypress Avenue and 5250 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-249-A**
PREMISES: **3821 Laurel Avenue, Brooklyn**
Block 6973, Lot 49
Build it Back ID: **APP-006147**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Laurel Avenue and 2750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-250-A**
PREMISES: **3821 Lyme Avenue, Brooklyn**
Block 6976, Lot 49
Build it Back ID: **APP-012807**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Lyme Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-251-A**
PREMISES: **3825 Cypress Avenue, Brooklyn**
Block 6960, Lot 49
Build it Back ID: **APP-021349**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-252-A**
PREMISES: **3717 Laurel Avenue, Brooklyn**
Block 6974, Lot 50
Build it Back ID: **APP-012791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Laurel Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-253-A**
PREMISES: **3723 Maple Avenue, Brooklyn**
Block 6958, Lot 50
Build it Back ID: **APP-002500**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Maple Avenue and 2467 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-254-A**
PREMISES: **3825 Laurel Avenue, Brooklyn**
Block 6973, Lot 50
Build it Back ID: **APP-011614**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Laurel Avenue and 2750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-255-A**
PREMISES: **3825 Maple Avenue, Brooklyn**
Block 6957, Lot 50
Build it Back ID: **APP-019668**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4033 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-256-A**
PREMISES: **3725 Lyme Avenue, Brooklyn**
Block 6977, Lot 51
Build it Back ID: **APP-018532**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-257-A**
PREMISES: **3725 Maple Avenue, Brooklyn**
Block 6958, Lot 51
Build it Back ID: **APP-006210**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Maple Avenue and 2467 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-258-A**
PREMISES: **3729 Oceanic Avenue, Brooklyn**
Block 7027, Lot 51
Build it Back ID: **APP-017466**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-259-A**
PREMISES: **3825 Lyme Avenue, Brooklyn**
Block 6976, Lot 51
Build it Back ID: **APP-004719**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Lyme Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-260-A**
PREMISES: **3853 Poplar Avenue, Brooklyn**
Block 6955, Lot 51
Build it Back ID: **APP-006335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Poplar Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-261-A**
PREMISES: **5127 Oceanview Avenue, Brooklyn**
Block 7033, Lot 51
Build it Back ID: **APP-007408**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanview Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Oceanview Avenue and 5100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-262-A**
PREMISES: **3715 Polar Street, Brooklyn**
Block 6956, Lot 52
Build it Back ID: **APP-005700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-263-A**
PREMISES: **3725 Laurel Avenue, Brooklyn**
Block 6974, Lot 52
Build it Back ID: **APP-008774**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-264-A**
PREMISES: **3727 Cypress Avenue, Brooklyn**
Block 6971, Lot 52
Build it Back ID: **APP-021892**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 53 feet of frontage along Cypress Avenue and 5250 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-265-A**
PREMISES: **3729 Lyme Avenue, Brooklyn**
Block 6977, Lot 52
Build it Back ID: **APP-010050**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Lyme Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-266-A**
PREMISES: **3731 Oceanic Avenue, Brooklyn**
Block 7027, Lot 52
Build it Back ID: **APP-002851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-267-A**
PREMISES: **3829 Maple Avenue, Brooklyn**
Block 6957, Lot 52
Build it Back ID: **APP-003303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-268-A**
PREMISES: **3829 Nautilus Avenue, Brooklyn**
Block 7002, Lot 52
Build it Back ID: **APP-001272**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Nautilus Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-269-A**
PREMISES: **4402 Highland Avenue, Brooklyn**
Block 7024, Lot 52
Build it Back ID: **APP-019107**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 91 feet of frontage along Highland Avenue and 5241 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-270-A**
PREMISES: **3729 Laurel Avenue, Brooklyn**
Block 6974, Lot 53
Build it Back ID: **APP-004088**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-271-A**
PREMISES: **3731 Nautilus Avenue, Brooklyn**
Block 7003, Lot 53
Build it Back ID: **APP-004065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Nautilus Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-272-A**
PREMISES: **3731 Neptune Avenue, Brooklyn**
Block 7000, Lot 53
Build it Back ID: **APP-019246**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-273-A**
PREMISES: **4221 Atlantic Avenue, Brooklyn**
Block 7026, Lot 53
Build it Back ID: **APP-009205**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 63 feet of frontage along Atlantic Avenue and 6325 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-274-A**
PREMISES: **3735 Oceanic Avenue, Brooklyn**
Block 7027, Lot 54
Build it Back ID: **APP-020710**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Oceanic Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-275-A**
PREMISES: **3833 Laurel Avenue, Brooklyn**
Block 6973, Lot 54
Build it Back ID: **APP-004030**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 32 feet of frontage along Laurel Avenue and 3150 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-276-A**
PREMISES: **3833 Maple Avenue, Brooklyn**
Block 6957, Lot 54
Build it Back ID: **APP-017790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-277-A**
PREMISES: **3723 Polar Street, Brooklyn**
Block 6956, Lot 55
Build it Back ID: **APP-015143**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-278-A**
PREMISES: **3733 Laurel Avenue, Brooklyn**
Block 6974, Lot 55
Build it Back ID: **APP-012751**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Laurel Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-279-A**
PREMISES: **3735 Maple Avenue, Brooklyn**
Block 6958, Lot 55
Build it Back ID: **APP-015604**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Maple Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-280-A**
PREMISES: **3735 Neptune Avenue, Brooklyn**
Block 7000, Lot 55
Build it Back ID: **APP-014564**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Neptune Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-281-A**
PREMISES: **3861 Poplar Avenue, Brooklyn**
Block 6955, Lot 55
Build it Back ID: **APP-025579**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Poplar Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-282-A**
PREMISES: **4303 Atlantic Avenue, Brooklyn**
Block 7026, Lot 55
Build it Back ID: **APP-004200**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 66 feet of frontage along Atlantic Avenue and 6633 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-283-A**
PREMISES: **3725 Polar Street, Brooklyn**
Block 6956, Lot 56
Build it Back ID: **APP-021260**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-284-A**
PREMISES: **3739 Maple Avenue, Brooklyn**
Block 6958, Lot 56
Build it Back ID: **APP-005342**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Maple Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-285-A**
PREMISES: **3739 Oceanic Avenue, Brooklyn**
Block 7027, Lot 56
Build it Back ID: **APP-009263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Oceanic Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-286-A**
PREMISES: **3727 Polar Street, Brooklyn**
Block 6956, Lot 57
Build it Back ID: **APP-002982**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Polar Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-287-A**
PREMISES: **3837 Cypress Avenue, Brooklyn**
Block 6960, Lot 57
Build it Back ID: **APP-013300**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Cypress Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-288-A**
PREMISES: **3865 Poplar Avenue, Brooklyn**
Block 6955, Lot 57
Build it Back ID: **APP-003006**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Poplar Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 55 feet of frontage along Poplar Avenue and 5500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-289-A**
PREMISES: **4043 Atlantic Avenue, Brooklyn**
Block 7028, Lot 57
Build it Back ID: **APP-011626**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Atlantic Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Atlantic Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-290-A**
PREMISES: **3739 Neptune Avenue, Brooklyn**
Block 7000, Lot 58
Build it Back ID: **APP-012987**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-291-A**
PREMISES: **3741 Laurel Avenue, Brooklyn**
Block 6974, Lot 58
Build it Back ID: **APP-002297**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Laurel Avenue and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-292-A**
PREMISES: **3745 Maple Avenue, Brooklyn**
Block 6958, Lot 58
Build it Back ID: **APP-006386**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 33 feet of frontage along Maple Avenue and 3333 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-293-A**
PREMISES: **3841 Maple Avenue, Brooklyn**
Block 6957, Lot 58
Build it Back ID: **APP-003126**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-294-A**
PREMISES: **4340 Manhattan Avenue, Brooklyn**
Block 7024, Lot 58
Build it Back ID: **APP-000154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Manhattan Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-295-A**
PREMISES: **3743 Neptune Avenue, Brooklyn**
Block 7000, Lot 59
Build it Back ID: **APP-005002**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-296-A**
PREMISES: **3745 Lyme Avenue, Brooklyn**
Block 6977, Lot 59
Build it Back ID: **APP-023258**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 55 feet of frontage along Lyme Avenue and 5500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-297-A**
PREMISES: **3841 Cypress Avenue, Brooklyn**
Block 6960, Lot 59
Build it Back ID: **APP-015401**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Cypress Avenue and 5040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-298-A**
PREMISES: **3745 Laurel Avenue, Brooklyn**
Block 6974, Lot 60
Build it Back ID: **APP-004376**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 80 feet of frontage along Laurel Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-299-A**
PREMISES: **3845 Lyme Avenue, Brooklyn**
Block 6976, Lot 60
Build it Back ID: **APP-020940**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Lyme Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-300-A**
PREMISES: **3853 Laurel Avenue, Brooklyn**
Block 6973, Lot 60
Build it Back ID: **APP-003901**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-301-A**
PREMISES: **3751 Maple Avenue, Brooklyn**
Block 6958, Lot 61
Build it Back ID: **APP-010578**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Maple Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-302-A**
PREMISES: **3847 Cypress Avenue, Brooklyn**
Block 6960, Lot 61
Build it Back ID: **APP-000743**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cypress Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Cypress Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-303-A**
PREMISES: **3749 Neptune Avenue, Brooklyn**
Block 7000, Lot 62
Build it Back ID: **APP-022636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Neptune Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-304-A**
PREMISES: **3759 Nautilus Avenue, Brooklyn**
Block 7003, Lot 62
Build it Back ID: **APP-008493**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-305-A**
PREMISES: **3847 Nautilus Avenue, Brooklyn**
Block 7002, Lot 62
Build it Back ID: **APP-003925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Nautilus Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-306-A**
PREMISES: **3849 Maple Avenue, Brooklyn**
Block 6957, Lot 62
Build it Back ID: **APP-004131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Maple Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-307-A**
PREMISES: **3855 Laurel Avenue, Brooklyn**
Block 6973, Lot 62
Build it Back ID: **APP-006128**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Laurel Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Laurel Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-308-A**
PREMISES: **3741 Polar Street, Brooklyn**
Block 6956, Lot 64
Build it Back ID: **APP-016690**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Polar Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along Polar Street and 2858 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-309-A**
PREMISES: **3751 Lyme Avenue, Brooklyn**
Block 6977, Lot 64
Build it Back ID: **APP-008461**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lyme Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Lyme Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-310-A**
PREMISES: **3865 Surf Avenue, Brooklyn**
Block 7025, Lot 64
Build it Back ID: **APP-017705**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 63 feet of frontage along Surf Avenue and 2520 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-311-A**
PREMISES: **4326 Manhattan Avenue, Brooklyn**
Block 7024, Lot 65
Build it Back ID: **APP-016882**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 60 feet of frontage along Manhattan Avenue and 6050 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-312-A**
PREMISES: **3869 Surf Avenue, Brooklyn**
Block 7025, Lot 66
Build it Back ID: **APP-004188**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 63 feet of frontage along Surf Avenue and 2548 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-313-A**
PREMISES: **4617 Beach 46 Street, Brooklyn**
Block 7038, Lot 68
Build it Back ID: **APP-024786**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 27 feet of frontage along Beach 46 Street and 3024 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-314-A**
PREMISES: **4621 Beach 46 Street, Brooklyn**
Block 7038, Lot 69
Build it Back ID: **APP-015791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Beach 46 Street and 2640 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-315-A**
PREMISES: **3807 Highland Avenue, Brooklyn**
Block 7025, Lot 70
Build it Back ID: **APP-010940**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Highland Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Highland Avenue and 2190 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-316-A**
PREMISES: **4623 Beach 46 Street, Brooklyn**
Block 7038, Lot 70
Build it Back ID: **APP-023321**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Beach 46 Street and 2592 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-317-A**
PREMISES: **4625 Beach 46 Street, Brooklyn**
Block 7038, Lot 72
Build it Back ID: **APP-004235**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 27 feet of frontage along Beach 46 Street and 2862 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-318-A**
PREMISES: **2683 West 37 Street, Brooklyn**
Block 6961, Lot 75
Build it Back ID: **APP-001645**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on West 37 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along West 37 Street and 3261 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-319-A**
PREMISES: **4308 Manhattan Avenue, Brooklyn**
Block 7024, Lot 75
Build it Back ID: **APP-016275**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Manhattan Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-320-A**
PREMISES: **25 Brighton 3 Road, Brooklyn**
Block 7261, Lot 76
Build it Back ID: **APP-005605**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Road within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Brighton 3 Road and 3146 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-321-A**
PREMISES: **4537 Beach 46 Street, Brooklyn**
Block 7038, Lot 78
Build it Back ID: **APP-010213**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 27 feet of frontage along Beach 46 Street and 2700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-322-A**
PREMISES: **2834 Brighton 4 Street, Brooklyn**
Block 7261, Lot 79
Build it Back ID: **APP-016829**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 4 Street and 1703 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-323-A**
PREMISES: **2838 Brighton 4 Street, Brooklyn**
Block 7261, Lot 80
Build it Back ID: **APP-004313**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 4 Street and 1980 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-324-A**
PREMISES: **4543 Beach 46 Street, Brooklyn**
Block 7038, Lot 80
Build it Back ID: **APP-002724**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Beach 46 Street and 2767 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-325-A**
PREMISES: **4226 Manhattan Avenue, Brooklyn**
Block 7024, Lot 81
Build it Back ID: **APP-002488**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Manhattan Avenue and 5220 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-326-A**
PREMISES: **4545 Beach 46 Street, Brooklyn**
Block 7038, Lot 81
Build it Back ID: **APP-015603**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 46 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Beach 46 Street and 2828 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-327-A**
PREMISES: **4222 Manhattan Avenue, Brooklyn**
Block 7024, Lot 82
Build it Back ID: **APP-014255**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Manhattan Avenue and 3956 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-328-A**
PREMISES: **2846 Brighton 4 Street, Brooklyn**
Block 7261, Lot 83
Build it Back ID: **APP-003970**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Brighton 4 Street and 1720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-329-A**
PREMISES: **4218 Manhattan Avenue, Brooklyn**
Block 7024, Lot 84
Build it Back ID: **APP-018974**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Manhattan Avenue and 3696 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-330-A**
PREMISES: **4729 Beach 47 Street, Brooklyn**
Block 7037, Lot 88
Build it Back ID: **APP-019155**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 47 Street within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Beach 47 Street and 3007 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-331-A**
PREMISES: **4208 Manhattan Avenue, Brooklyn**
Block 7024, Lot 89
Build it Back ID: **APP-003527**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Manhattan Avenue and 12860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-332-A**
PREMISES: **4202 Manhattan Avenue, Brooklyn**
Block 7024, Lot 92
Build it Back ID: **APP-006606**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Manhattan Avenue and 7000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-333-A**
PREMISES: **4126 Manhattan Avenue, Brooklyn**
Block 7024, Lot 95
Build it Back ID: **APP-004713**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 50 feet of frontage along Manhattan Avenue and 8660 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-334-A**
PREMISES: **4608 Surf Avenue, Brooklyn**
Block 7037, Lot 98
Build it Back ID: **APP-005974**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 29 feet of frontage along Surf Avenue and 2869 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-335-A**
PREMISES: **3863 Nautilus Avenue, Brooklyn**
Block 7002, Lot 102
Build it Back ID: **APP-018000**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nautilus Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Nautilus Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-336-A**
PREMISES: **4604 Surf Avenue, Brooklyn**
Block 7037, Lot 102
Build it Back ID: **APP-001580**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Surf Avenue and 2837 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-337-A**
PREMISES: **12 Brighton 3 Road, Brooklyn**
Block 7261, Lot 110
Build it Back ID: **APP-014261**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Road within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Brighton 3 Road and 1740 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-338-A**
PREMISES: **2930 Brighton 3 Street, Brooklyn**
Block 8662, Lot 114
Build it Back ID: **APP-007484**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 61 feet of frontage along Brighton 3 Street and 1440 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-339-A**
PREMISES: **4014 Manhattan Avenue, Brooklyn**
Block 7024, Lot 116
Build it Back ID: **APP-022405**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Manhattan Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-340-A**
PREMISES: **4012 Manhattan Avenue, Brooklyn**
Block 7024, Lot 117
Build it Back ID: **APP-010497**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Manhattan Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-341-A**
PREMISES: **4911 Surf Avenue, Brooklyn**
Block 7024, Lot 175
Build it Back ID: **APP-004915**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 31 feet of frontage along Surf Avenue and 5357 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-342-A**
PREMISES: **4915 Surf Avenue, Brooklyn**
Block 7024, Lot 177
Build it Back ID: **APP-019714**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Surf Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 64 feet of frontage along Surf Avenue and 9244 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-343-A**
PREMISES: **9 Banner 3 Terrace, Brooklyn**
Block 7260, Lot 200
Build it Back ID: **APP-011932**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Banner 3 Terrace within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Banner 3 Terrace and 997 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-344-A**
PREMISES: **2920 Brighton 4 Street, Brooklyn**
Block 8663, Lot 260
Build it Back ID: **APP-006605**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 53 feet of frontage along Brighton 4 Street and 4240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-345-A**
PREMISES: **10 Brighton 3 Place, Brooklyn**
Block 8663, Lot 285
Build it Back ID: **APP-010550**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 3 Place and 1350 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-346-A**
PREMISES: **17 Brighton 3 Lane, Brooklyn**
Block 8663, Lot 296
Build it Back ID: **APP-021433**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Lane within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 3 Lane and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-347-A**
PREMISES: **2960 Brighton 3 Place, Brooklyn**
Block 8663, Lot 297
Build it Back ID: **APP-019376**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 3 Place and 1350 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-348-A**
PREMISES: **2949 Brighton 3 Street, Brooklyn**
Block 8663, Lot 315
Build it Back ID: **APP-002446**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 3 Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-349-A**
PREMISES: **30 Brighton 3 Walk, Brooklyn**
Block 8663, Lot 328
Build it Back ID: **APP-004626**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Walk within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 3 Walk and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-350-A**
PREMISES: **2929 Brighton 3 Street, Brooklyn**
Block 8663, Lot 336
Build it Back ID: **APP-022180**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 3 Street and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-351-A**
PREMISES: **44 Brighton 3 Court, Brooklyn**
Block 8663, Lot 352
Build it Back ID: **APP-012683**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 3 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Brighton 3 Court and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-352-A**
PREMISES: **2922 Brighton 5 Street, Brooklyn**
Block 8664, Lot 427
Build it Back ID: **APP-023906**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 5 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 46 feet of frontage along Brighton 5 Street and 1850 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-353-A**
PREMISES: **42 Brighton 4 Court, Brooklyn**
Block 8664, Lot 433
Build it Back ID: **APP-005295**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 4 Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-354-A**
PREMISES: **37 Brighton 4 Court, Brooklyn**
Block 8664, Lot 444
Build it Back ID: **APP-010775**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 4 Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-355-A**
PREMISES: **38 Brighton 4 Court, Brooklyn**
Block 8664, Lot 446
Build it Back ID: **APP-000016**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 4 Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-356-A**
PREMISES: **33 Brighton 4 Walk, Brooklyn**
Block 8664, Lot 452
Build it Back ID: **APP-019103**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 4 Walk within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 4 Walk and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-357-A**
PREMISES: **2939 Brighton 7 Street, Brooklyn**
Block 8667, Lot 737
Build it Back ID: **APP-018616**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 7 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 7 Street and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-358-A**
PREMISES: **2920 Brighton 8 Street, Brooklyn**
Block 8667, Lot 758
Build it Back ID: **APP-010839**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 8 Street and 1659 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-359-A**
PREMISES: **30 Brighton 7 Court, Brooklyn**
Block 8667, Lot 759
Build it Back ID: **APP-001190**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 7 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Brighton 7 Court and 1435 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-360-A**
PREMISES: **25 Brighton 7 Court, Brooklyn**
Block 8667, Lot 762
Build it Back ID: **APP-003058**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 7 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 7 Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-361-A**
PREMISES: **24 Brighton 7 Court, Brooklyn**
Block 8667, Lot 764
Build it Back ID: **APP-010804**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 7 Court within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Brighton 7 Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-362-A**
PREMISES: **2934 Brighton 8 Street, Brooklyn**
Block 8667, Lot 768
Build it Back ID: **APP-008444**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Street and 1719 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-363-A**
PREMISES: **2940 Brighton 8 Street, Brooklyn**
Block 8667, Lot 778
Build it Back ID: **APP-005803**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Street and 1555 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-364-A**
PREMISES: **2944 Brighton 8 Street, Brooklyn**
Block 8667, Lot 780
Build it Back ID: **APP-016600**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Street and 2097 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-365-A**
PREMISES: **15 Brighton 7 Lane, Brooklyn**
Block 8667, Lot 782
Build it Back ID: **APP-016724**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 7 Lane within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 45 feet of frontage along Brighton 7 Lane and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-366-A**
PREMISES: **2952 Brighton 8 Street, Brooklyn**
Block 8667, Lot 786
Build it Back ID: **APP-007773**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 46 feet of frontage along Brighton 8 Street and 1840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-367-A**
PREMISES: **2951 Brighton 8 Street, Brooklyn**
Block 8668, Lot 798
Build it Back ID: **APP-008705**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Street and 1882 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-368-A**
PREMISES: **2945 Brighton 8 Street, Brooklyn**
Block 8668, Lot 800
Build it Back ID: **APP-000558**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Street within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Street and 1882 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-369-A**
PREMISES: **16 Brighton 8 Place, Brooklyn**
Block 8668, Lot 805
Build it Back ID: **APP-019549**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Place and 1882 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-370-A**
PREMISES: **3084 Coney Island Avenue, Brooklyn**
Block 8668, Lot 836
Build it Back ID: **APP-025742**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Coney Island Avenue within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 40 feet of frontage along Coney Island Avenue and 1840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-371-A**
PREMISES: **33 Brighton 8 Place, Brooklyn**
Block 8668, Lot 838
Build it Back ID: **APP-018162**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Place and 1916 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-372-A**
PREMISES: **31 Brighton 8 Place, Brooklyn**
Block 8668, Lot 842
Build it Back ID: **APP-018033**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Place and 1916 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-373-A**
PREMISES: **39 Brighton 8 Place, Brooklyn**
Block 8668, Lot 844
Build it Back ID: **APP-020025**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Place and 1916 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-374-A**
PREMISES: **8 Brighton 8 Place, Brooklyn**
Block 8668, Lot 850
Build it Back ID: **APP-008702**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 8 Place within an R6 zoning district, in Brooklyn; and

WHEREAS, the site has 41 feet of frontage along Brighton 8 Place and 1916 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-375-A**
PREMISES: **4310 Manhattan Avenue, Brooklyn**
Block 7024, Lot 74
Build it Back ID: **APP-016276**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Manhattan Avenue within an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Manhattan Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-376-A**
PREMISES: **2822 Batchelder Street, Brooklyn**
Block 8800, Lot 7502
Build it Back ID: **APP-017662**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 57 feet of frontage along Batchelder Street and 2565 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-377-A**
PREMISES: **3666 Shore Parkway, Brooklyn**
Block 8792, Lot 33
Build it Back ID: **APP-010046**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Shore Parkway within an R4B zoning district, in Brooklyn; and

WHEREAS, the site has 18 feet of frontage along Shore Parkway and 1584 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-378-A**
PREMISES: **2782 Batchelder Street, Brooklyn**
Block 8800, Lot 41
Build it Back ID: **APP-003220**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Batchelder Street and 1100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-379-A**
PREMISES: **2784 Brown Street, Brooklyn**
Block 8797, Lot 41
Build it Back ID: **APP-010333**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 37 feet of frontage along Brown Street and 1532 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-380-A**
PREMISES: **3714 Shore Parkway, Brooklyn**
Block 8796, Lot 41
Build it Back ID: **APP-007253**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Shore Parkway partially within an R4B zoning district and partially within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Shore Parkway and 2404 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-381-A**
PREMISES: **2786 Brown Street, Brooklyn**
Block 8797, Lot 42
Build it Back ID: **APP-009874**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Brown Street and 1080 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-382-A**
PREMISES: **2790 Brown Street, Brooklyn**
Block 8797, Lot 44
Build it Back ID: **APP-003048**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Brown Street and 1579 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-383-A**
PREMISES: **2790 Batchelder Street, Brooklyn**
Block 8800, Lot 45
Build it Back ID: **APP-012157**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Batchelder Street and 1575 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-384-A**
PREMISES: **34 Stanton Road, Brooklyn**
Block 8800, Lot 46
Build it Back ID: **APP-025816**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Stanton Road and 1925 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-385-A**
PREMISES: **14A Mesereau Court, Brooklyn**
Block 8797, Lot 47
Build it Back ID: **APP-000066**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Mesereau Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Mesereau Court and 1238 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-386-A**
PREMISES: **2800 Brown Street, Brooklyn**
Block 8797, Lot 49
Build it Back ID: **APP-009496**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Brown Street and 1332 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-387-A**
PREMISES: **33 Stanton Road, Brooklyn**
Block 8800, Lot 50
Build it Back ID: **APP-018521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Stanton Road and 1265 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-388-A**
PREMISES: **2802 Brown Street, Brooklyn**
Block 8797, Lot 51
Build it Back ID: **APP-017413**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Brown Street and 1278 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-389-A**
PREMISES: **17A Mesereau Court, Brooklyn**
Block 8797, Lot 52
Build it Back ID: **APP-021598**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Mesereau Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Mesereau Court and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-390-A**
PREMISES: **32 Stanton Road, Brooklyn**
Block 8800, Lot 52
Build it Back ID: **APP-017897**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Stanton Road and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-391-A**
PREMISES: **14 Lake Avenue, Brooklyn**
Block 8796, Lot 53
Build it Back ID: **APP-003767**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-392-A**
PREMISES: **14A Lake Avenue, Brooklyn**
Block 8800, Lot 53
Build it Back ID: **APP-025822**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-393-A**
PREMISES: **2810 Brown Street, Brooklyn**
Block 8797, Lot 53
Build it Back ID: **APP-012286**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 38 feet of frontage along Brown Street and 1273 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-394-A**
PREMISES: **13C Lake Avenue, Brooklyn**
Block 8796, Lot 54
Build it Back ID: **APP-003565**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-395-A**
PREMISES: **11 Lake Avenue, Brooklyn**
Block 8796, Lot 56
Build it Back ID: **APP-012820**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-396-A**
PREMISES: **2816 Brown Street, Brooklyn**
Block 8797, Lot 56
Build it Back ID: **APP-006208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Brown Street and 1624 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-397-A**
PREMISES: **30 Stanton Road, Brooklyn**
Block 8800, Lot 56
Build it Back ID: **APP-004598**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-398-A**
PREMISES: **10A Lake Avenue, Brooklyn**
Block 8796, Lot 57
Build it Back ID: **APP-003567**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-399-A**
PREMISES: **2818 Brown Street, Brooklyn**
Block 8797, Lot 57
Build it Back ID: **APP-003240**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Brown Street and 1287 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-400-A**
PREMISES: **2822 Brown Street, Brooklyn**
Block 8797, Lot 58
Build it Back ID: **APP-007263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 56 feet of frontage along Brown Street and 3616 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-401-A**
PREMISES: **9 Lake Avenue, Brooklyn**
Block 8796, Lot 58
Build it Back ID: **APP-008068**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-402-A**
PREMISES: **29 Stanton Road, Brooklyn**
Block 8800, Lot 59
Build it Back ID: **APP-000713**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-403-A**
PREMISES: **8 Lake Avenue, Brooklyn**
Block 8796, Lot 59
Build it Back ID: **APP-009867**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-404-A**
PREMISES: **7 Lake Avenue, Brooklyn**
Block 8796, Lot 60
Build it Back ID: **APP-004214**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-405-A**
PREMISES: **2838 Batchelder Street, Brooklyn**
Block 8800, Lot 64
Build it Back ID: **APP-018316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street partially within an R4-1 zoning district and partially within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 20 feet of frontage along Batchelder Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-406-A**
PREMISES: **2819 Brown Street, Brooklyn**
Block 8800, Lot 81
Build it Back ID: **APP-024752**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Brown Street and 1750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-407-A**
PREMISES: **35 Gunnison Court, Brooklyn**
Block 8800, Lot 82
Build it Back ID: **APP-000348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Gunnison Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 27 feet of frontage along Gunnison Court and 1679 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-408-A**
PREMISES: **36 Gunnison Court, Brooklyn**
Block 8800, Lot 83
Build it Back ID: **APP-000776**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Gunnison Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Gunnison Court and 1459 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-409-A**
PREMISES: **2823 Batchelder Street, Brooklyn**
Block 8801, Lot 84
Build it Back ID: **APP-012453**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Batchelder Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-410-A**
PREMISES: **15 Stanton Road, Brooklyn**
Block 8800, Lot 85
Build it Back ID: **APP-005874**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Stanton Road and 1907 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-411-A**
PREMISES: **2813 Batchelder Street, Brooklyn**
Block 8801, Lot 87
Build it Back ID: **APP-007540**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Batchelder Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-412-A**
PREMISES: **16 Stanton Road, Brooklyn**
Block 8800, Lot 88
Build it Back ID: **APP-008978**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Stanton Road and 1256 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-413-A**
PREMISES: **2811 Batchelder Street, Brooklyn**
Block 8801, Lot 89
Build it Back ID: **APP-007544**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Batchelder Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-414-A**
PREMISES: **17 Stanton Road, Brooklyn**
Block 8800, Lot 90
Build it Back ID: **APP-013783**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Stanton Road and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-415-A**
PREMISES: **18 Stanton Road, Brooklyn**
Block 8800, Lot 92
Build it Back ID: **APP-018135**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-416-A**
PREMISES: **3664 Shore Parkway, Brooklyn**
Block 8792, Lot 92
Build it Back ID: **APP-002134**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Shore Parkway within an R4B zoning district, in Brooklyn; and

WHEREAS, the site has 18 feet of frontage along Shore Parkway and 1566 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-417-A**
PREMISES: **3708 Shore Parkway, Brooklyn**
Block 8796, Lot 92
Build it Back ID: **APP-021258**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Shore Parkway partially within an R4B zoning district and partially within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 18 feet of frontage along Shore Parkway and 2066 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-418-A**
PREMISES: **19 Stanton Road, Brooklyn**
Block 8800, Lot 94
Build it Back ID: **APP-007210**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-419-A**
PREMISES: **2799 Batchelder Street, Brooklyn**
Block 8801, Lot 95
Build it Back ID: **APP-011559**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Batchelder Street and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-420-A**
PREMISES: **2801 Brown Street, Brooklyn**
Block 8800, Lot 95
Build it Back ID: **APP-002872**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Brown Street and 1080 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-421-A**
PREMISES: **20 Stanton Road, Brooklyn**
Block 8800, Lot 96
Build it Back ID: **APP-017898**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-422-A**
PREMISES: **2797 Brown Street, Brooklyn**
Block 8800, Lot 97
Build it Back ID: **APP-001807**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Brown Street and 1080 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-423-A**
PREMISES: **21 Stanton Road, Brooklyn**
Block 8800, Lot 98
Build it Back ID: **APP-001338**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-424-A**
PREMISES: **2791 Batchelder Street, Brooklyn**
Block 8801, Lot 98
Build it Back ID: **APP-019239**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Batchelder Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-425-A**
PREMISES: **2793 Brown Street, Brooklyn**
Block 8800, Lot 99
Build it Back ID: **APP-006638**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Brown Street and 1125 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-426-A**
PREMISES: **22 Stanton Road, Brooklyn**
Block 8800, Lot 100
Build it Back ID: **APP-025820**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Stanton Road and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-427-A**
PREMISES: **2789 Brown Street, Brooklyn**
Block 8800, Lot 101
Build it Back ID: **APP-024239**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Brown Street and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-428-A**
PREMISES: **23 Stanton Road, Brooklyn**
Block 8800, Lot 102
Build it Back ID: **APP-025819**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Stanton Road and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-429-A**
PREMISES: **2783 Batchelder Street, Brooklyn**
Block 8801, Lot 102
Build it Back ID: **APP-020785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 28 feet of frontage along Batchelder Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-430-A**
PREMISES: **2785 Brown Street, Brooklyn**
Block 8800, Lot 103
Build it Back ID: **APP-016912**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brown Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Brown Street and 1575 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-431-A**
PREMISES: **24 Stanton Road, Brooklyn**
Block 8800, Lot 104
Build it Back ID: **APP-025821**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Stanton Road and 1575 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-432-A**
PREMISES: **20 Hitchings Avenue, Brooklyn**
Block 8793, Lot 121
Build it Back ID: **APP-000904**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hitchings Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Hitchings Avenue and 1716 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-433-A**
PREMISES: **14 Hitchings Avenue, Brooklyn**
Block 8793, Lot 124
Build it Back ID: **APP-004624**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hitchings Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Hitchings Avenue and 1664 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-434-A**
PREMISES: **12 Hitchings Avenue, Brooklyn**
Block 8793, Lot 125
Build it Back ID: **APP-018438**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hitchings Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Hitchings Avenue and 1664 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-435-A**
PREMISES: **10 Hitchings Avenue, Brooklyn**
Block 8793, Lot 126
Build it Back ID: **APP-003521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hitchings Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Hitchings Avenue and 1638 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-436-A**
PREMISES: **19 Lake Avenue, Brooklyn**
Block 8796, Lot 126
Build it Back ID: **APP-025814**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 30 feet of frontage along Lake Avenue and 1960 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-437-A**
PREMISES: **8 Webers Court, Brooklyn**
Block 8815, Lot 129
Build it Back ID: **APP-002307**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Webers Court and 1150 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-438-A**
PREMISES: **16 Lake Avenue, Brooklyn**
Block 8796, Lot 130
Build it Back ID: **APP-020568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1663 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-439-A**
PREMISES: **9 Webers Court, Brooklyn**
Block 8815, Lot 130
Build it Back ID: **APP-017860**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Webers Court and 1186 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-440-A**
PREMISES: **15 Lake Avenue, Brooklyn**
Block 8796, Lot 131
Build it Back ID: **APP-005944**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1639 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-441-A**
PREMISES: **13 Lake Avenue, Brooklyn**
Block 8796, Lot 133
Build it Back ID: **APP-003923**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1615 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-442-A**
PREMISES: **12A Lake Avenue, Brooklyn**
Block 8796, Lot 134
Build it Back ID: **APP-021019**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1615 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-443-A**
PREMISES: **11A Lake Avenue, Brooklyn**
Block 8796, Lot 135
Build it Back ID: **APP-010972**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1591 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-444-A**
PREMISES: **10 Lake Avenue, Brooklyn**
Block 8796, Lot 136
Build it Back ID: **APP-011367**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1591 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-445-A**
PREMISES: **9A Lake Avenue, Brooklyn**
Block 8796, Lot 137
Build it Back ID: **APP-004390**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1568 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-446-A**
PREMISES: **18 Webers Court, Brooklyn**
Block 8815, Lot 138
Build it Back ID: **APP-022470**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 38 feet of frontage along Webers Court and 2696 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-447-A**
PREMISES: **8A Lake Avenue, Brooklyn**
Block 8796, Lot 138
Build it Back ID: **APP-004396**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1568 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-448-A**
PREMISES: **17 Webers Court, Brooklyn**
Block 8815, Lot 139
Build it Back ID: **APP-025817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Webers Court and 2147 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-449-A**
PREMISES: **7A Lake Avenue, Brooklyn**
Block 8796, Lot 139
Build it Back ID: **APP-001032**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lake Avenue and 1544 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-450-A**
PREMISES: **16 Webers Court, Brooklyn**
Block 8815, Lot 140
Build it Back ID: **APP-022457**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Webers Court and 1078 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-451-A**
PREMISES: **15 Webers Court, Brooklyn**
Block 8815, Lot 141
Build it Back ID: **APP-017693**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 22 feet of frontage along Webers Court and 1120 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-452-A**
PREMISES: **14 Webers Court, Brooklyn**
Block 8815, Lot 142
Build it Back ID: **APP-012128**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Webers Court within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 26 feet of frontage along Webers Court and 1330 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-453-A**
PREMISES: **33 Lincoln Terrace, Brooklyn**
Block 8796, Lot 147
Build it Back ID: **APP-020131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace partially within an R4-1 zoning district and partially within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1571 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-454-A**
PREMISES: **32 Lincoln Terrace, Brooklyn**
Block 8796, Lot 148
Build it Back ID: **APP-017625**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1571 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-455-A**
PREMISES: **31 Lincoln Terrace, Brooklyn**
Block 8796, Lot 149
Build it Back ID: **APP-009155**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1571 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-456-A**
PREMISES: **30 Lincoln Terrace, Brooklyn**
Block 8796, Lot 150
Build it Back ID: **APP-000347**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1595 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-457-A**
PREMISES: **29 Lincoln Terrace, Brooklyn**
Block 8796, Lot 151
Build it Back ID: **APP-020126**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1595 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-458-A**
PREMISES: **28 Lincoln Terrace, Brooklyn**
Block 8796, Lot 152
Build it Back ID: **APP-020291**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1619 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-459-A**
PREMISES: **27 Lincoln Terrace, Brooklyn**
Block 8796, Lot 153
Build it Back ID: **APP-017713**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1619 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-460-A**
PREMISES: **26 Lincoln Terrace, Brooklyn**
Block 8796, Lot 154
Build it Back ID: **APP-014710**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1643 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-461-A**
PREMISES: **25 Lincoln Terrace, Brooklyn**
Block 8796, Lot 155
Build it Back ID: **APP-003756**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Lincoln Terrace and 1176 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-462-A**
PREMISES: **24 Lincoln Terrace, Brooklyn**
Block 8796, Lot 156
Build it Back ID: **APP-008540**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lincoln Terrace partially within an R4-1 zoning district and partially within an R5 zoning district, in Brooklyn; and

WHEREAS, the site has 44 feet of frontage along Lincoln Terrace and 2120 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-463-A**
PREMISES: **1 Lake Avenue, Brooklyn**
Block 8796, Lot 177
Build it Back ID: **APP-019121**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-464-A**
PREMISES: **2 Lake Avenue, Brooklyn**
Block 8796, Lot 178
Build it Back ID: **APP-006341**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-465-A**
PREMISES: **2808 Batchelder Street, Brooklyn**
Block 8800, Lot 180
Build it Back ID: **APP-007172**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Batchelder Street and 1080 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-466-A**
PREMISES: **4 Lake Avenue, Brooklyn**
Block 8769, Lot 180
Build it Back ID: **APP-025818**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-467-A**
PREMISES: **28 Stanton Road, Brooklyn**
Block 8800, Lot 181
Build it Back ID: **APP-011926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-468-A**
PREMISES: **2810 Batchelder Street, Brooklyn**
Block 8800, Lot 182
Build it Back ID: **APP-005348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Batchelder Street and 1125 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-469-A**
PREMISES: **27 Stanton Road, Brooklyn**
Block 8800, Lot 183
Build it Back ID: **APP-011144**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Stanton Road and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-470-A**
PREMISES: **2814 Batchelder Street, Brooklyn**
Block 8800, Lot 184
Build it Back ID: **APP-012892**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Batchelder Street and 1028 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-471-A**
PREMISES: **26 Stanton Road, Brooklyn**
Block 8800, Lot 185
Build it Back ID: **APP-014179**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Stanton Road and 1256 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-472-A**
PREMISES: **2816 Batchelder Street, Brooklyn**
Block 8800, Lot 186
Build it Back ID: **APP-012156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Batchelder Street and 1560 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-473-A**
PREMISES: **25 Stanton Road, Brooklyn**
Block 8800, Lot 187
Build it Back ID: **APP-012813**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 35 feet of frontage along Stanton Road and 1907 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-474-A**
PREMISES: **37 Gunnison Court, Brooklyn**
Block 8800, Lot 188
Build it Back ID: **APP-001295**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Gunnison Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Gunnison Court and 2036 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-475-A**
PREMISES: **38 Gunnison Court, Brooklyn**
Block 8800, Lot 189
Build it Back ID: **APP-012654**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Gunnison Court within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Gunnison Court and 2077 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-476-A**
PREMISES: **2828 Batchelder Street, Brooklyn**
Block 8800, Lot 192
Build it Back ID: **APP-014072**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Batchelder Street within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 25 feet of frontage along Batchelder Street and 1250 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-477-A**
PREMISES: **21A Dunne Place, Brooklyn**
Block 8797, Lot 195
Build it Back ID: **APP-015890**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Dunne Place within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 56 feet of frontage along Dunne Place and 2293 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-479-A**
PREMISES: **3 Lake Avenue, Brooklyn**
Block 8796, Lot 179
Build it Back ID: **App-999999**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an #N/A zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-480-A**
PREMISES: **5 Lake Avenue, Brooklyn**
Block 8796, Lot 181
Build it Back ID: **APP-025827**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lake Avenue within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 23 feet of frontage along Lake Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-481-A**
PREMISES: **31 Stanton Road, Brooklyn**
Block 8800, Lot 54
Build it Back ID: **APP-025823**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stanton Road within an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has 24 feet of frontage along Stanton Road and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-482-A**
PREMISES: **159-51 102 Street, Queens**
Block 14182, Lot 79
Build it Back ID: **APP-016462**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 102 Street and 800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-483-A**
PREMISES: **102-06 159 Drive, Queens**
Block 14182, Lot 81
Build it Back ID: **APP-001892**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 159 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along 159 Drive and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-484-A**
PREMISES: **102-06A 159 Drive, Queens**
Block 14182, Lot 82
Build it Back ID: **APP-012267**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 159 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 159 Drive and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-485-A**
PREMISES: **99-72 Rau Court, Queens**
Block 14231, Lot 91
Build it Back ID: **APP-014932**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rau Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Rau Court and 1250 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-486-A**
PREMISES: **20 Church Street, Queens**
Block 14228, Lot 149
Build it Back ID: **APP-022490**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Church Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-487-A**
PREMISES: **16 Church Street, Queens**
Block 14228, Lot 150
Build it Back ID: **APP-019860**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Church Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-488-A**
PREMISES: **8 Church Street, Queens**
Block 14228, Lot 155
Build it Back ID: **APP-025156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Church Street and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-489-A**
PREMISES: **1 Bayview Avenue, Queens**
Block 14228, Lot 161
Build it Back ID: **APP-020769**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 51 feet of frontage along Bayview Avenue and 6324 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-490-A**
PREMISES: **14A Bayview Avenue, Queens**
Block 14228, Lot 167
Build it Back ID: **APP-013746**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Bayview Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-491-A**
PREMISES: **11 Bayview Avenue, Queens**
Block 14228, Lot 170
Build it Back ID: **APP-005057**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Bayview Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-492-A**
PREMISES: **25 Bayview Avenue, Queens**
Block 14225, Lot 209
Build it Back ID: **APP-001873**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Bayview Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-493-A**
PREMISES: **20 Bayview Avenue, Queens**
Block 14228, Lot 215
Build it Back ID: **APP-017137**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Bayview Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-494-A**
PREMISES: **9 Bayview Avenue, Queens**
Block 14228, Lot 226
Build it Back ID: **APP-022860**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Bayview Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-495-A**
PREMISES: **102-12A 160 Avenue, Queens**
Block 14234, Lot 283
Build it Back ID: **APP-007278**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 160 Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-496-A**
PREMISES: **102-10A 160 Avenue, Queens**
Block 14234, Lot 284
Build it Back ID: **APP-000304**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 160 Avenue and 1050 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-497-A**
PREMISES: **69 Broadway, Queens**
Block 14234, Lot 500
Build it Back ID: **APP-018456**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 36 feet of frontage along Broadway and 1296 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-498-A**
PREMISES: **66 Broadway, Queens**
Block 14234, Lot 505
Build it Back ID: **APP-007461**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 42 feet of frontage along Broadway and 1894 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-499-A**
PREMISES: **42 Broadway, Queens**
Block 14234, Lot 518
Build it Back ID: **APP-013188**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 29 feet of frontage along Broadway and 1624 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-500-A**
PREMISES: **25 102 Street, Queens**
Block 14234, Lot 538
Build it Back ID: **APP-024764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 18 feet of frontage along 102 Street and 990 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-501-A**
PREMISES: **2 Bridge Street, Queens**
Block 14234, Lot 539
Build it Back ID: **APP-018450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bridge Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Bridge Street and 1725 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-502-A**
PREMISES: **14 Broadway, Queens**
Block 14234, Lot 562
Build it Back ID: **APP-022548**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along Broadway and 1953 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-503-A**
PREMISES: **102 Bridge St., Queens**
Block 14234, Lot 575
Build it Back ID: **APP-017335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bridge St. within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 80 feet of frontage along Bridge St. and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-504-A**
PREMISES: **5 Bayview Avenue, Queens**
Block 14228, Lot 752
Build it Back ID: **APP-020303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Bayview Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-505-A**
PREMISES: **155 Broadway, Queens**
Block 14231, Lot 769
Build it Back ID: **APP-024925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 22 feet of frontage along Broadway and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-506-A**
PREMISES: **145 Broadway, Queens**
Block 14228, Lot 771
Build it Back ID: **APP-005242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 19 feet of frontage along Broadway and 2945 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-507-A**
PREMISES: **133 Broadway, Queens**
Block 14228, Lot 780
Build it Back ID: **APP-018821**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broadway within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 22 feet of frontage along Broadway and 4884 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-508-A**
PREMISES: **99-23 Russell Street, Queens**
Block 14231, Lot 810
Build it Back ID: **APP-019439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along Russell Street and 2310 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-509-A**
PREMISES: **99-25 Russell Street, Queens**
Block 14231, Lot 811
Build it Back ID: **APP-025560**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 16 feet of frontage along Russell Street and 1760 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-510-A**
PREMISES: **99-41 Russell Street, Queens**
Block 14231, Lot 819
Build it Back ID: **APP-005873**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 29 feet of frontage along Russell Street and 2958 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-511-A**
PREMISES: **99-43 Russell Street, Queens**
Block 14231, Lot 821
Build it Back ID: **APP-017148**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 34 feet of frontage along Russell Street and 3706 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-512-A**
PREMISES: **99-59 Russell Street, Queens**
Block 14231, Lot 829
Build it Back ID: **APP-000577**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 28 feet of frontage along Russell Street and 2772 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-513-A**
PREMISES: **99-42 Russell Street, Queens**
Block 14228, Lot 831
Build it Back ID: **APP-024862**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 29 feet of frontage along Russell Street and 3045 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-514-A**
PREMISES: **102-21 Russell Street, Queens**
Block 14234, Lot 865
Build it Back ID: **APP-015737**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 15 feet of frontage along Russell Street and 3604 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-515-A**
PREMISES: **102-23 Russell Street, Queens**
Block 14234, Lot 867
Build it Back ID: **APP-024854**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 18 feet of frontage along Russell Street and 1476 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-516-A**
PREMISES: **102-25 Russell Street, Queens**
Block 14234, Lot 868
Build it Back ID: **APP-018253**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 18 feet of frontage along Russell Street and 1476 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-517-A**
PREMISES: **99-24 Russell Street, Queens**
Block 14231, Lot 1006
Build it Back ID: **APP-024856**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Russell Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-518-A**
PREMISES: **99-36 Russell Street, Queens**
Block 14231, Lot 1012
Build it Back ID: **APP-024858**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Russell Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-519-A**
PREMISES: **99-48 Russell Street, Queens**
Block 14231, Lot 1019
Build it Back ID: **APP-007146**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Russell Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-520-A**
PREMISES: **102-10 Russell Street, Queens**
Block 14238, Lot 1042
Build it Back ID: **APP-000471**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Russell Street and 2520 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-521-A**
PREMISES: **102-12 Russell Street, Queens**
Block 14238, Lot 1043
Build it Back ID: **APP-004798**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Russell Street and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-522-A**
PREMISES: **102-28 Russell Street, Queens**
Block 14238, Lot 1051
Build it Back ID: **APP-024847**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Russell Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Russell Street and 1957 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-523-A**
PREMISES: **99-49 1 Street, Queens**
Block 14231, Lot 1107
Build it Back ID: **APP-023538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 1 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 1 Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-524-A**
PREMISES: **99-53 First Street, Queens**
Block 14231, Lot 1108
Build it Back ID: **APP-020344**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-525-A**
PREMISES: **99-55 First Street, Queens**
Block 14231, Lot 1109
Build it Back ID: **APP-016948**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-526-A**
PREMISES: **99-59 First Street, Queens**
Block 14231, Lot 1110
Build it Back ID: **APP-017998**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-527-A**
PREMISES: **99-63 First Street, Queens**
Block 14231, Lot 1114
Build it Back ID: **APP-015274**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-528-A**
PREMISES: **99-67 First Street, Queens**
Block 14231, Lot 1116
Build it Back ID: **APP-012805**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-529-A**
PREMISES: **99-77 First Street, Queens**
Block 14231, Lot 1123
Build it Back ID: **APP-016070**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along First Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-530-A**
PREMISES: **102-09 Davenport Court, Queens**
Block 14246, Lot 1134
Build it Back ID: **APP-016981**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Davenport Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-531-A**
PREMISES: **102-15 First Street, Queens**
Block 14239, Lot 1134
Build it Back ID: **APP-012521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along First Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-532-A**
PREMISES: **102-15 Davenport Court, Queens**
Block 14246, Lot 1136
Build it Back ID: **APP-018070**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Davenport Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-533-A**
PREMISES: **102-19 First Street, Queens**
Block 14239, Lot 1136
Build it Back ID: **APP-015492**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along First Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-534-A**
PREMISES: **102-27 Davenport Court, Queens**
Block 14246, Lot 1140
Build it Back ID: **APP-019894**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Davenport Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-535-A**
PREMISES: **102-31 Davenport Court, Queens**
Block 14246, Lot 1142
Build it Back ID: **APP-014136**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 28 feet of frontage along Davenport Court and 2240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-536-A**
PREMISES: **99-36 Davenport Court, Queens**
Block 14243, Lot 1151
Build it Back ID: **APP-022897**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Davenport Court and 1680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-537-A**
PREMISES: **99-40 Davenport Court, Queens**
Block 14243, Lot 1153
Build it Back ID: **APP-007591**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Davenport Court and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-538-A**
PREMISES: **99-48 Davenport Court, Queens**
Block 14243, Lot 1155
Build it Back ID: **APP-017946**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Davenport Court and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-539-A**
PREMISES: **99-50 Davenport Court, Queens**
Block 14243, Lot 1158
Build it Back ID: **APP-017079**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 45 feet of frontage along Davenport Court and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-540-A**
PREMISES: **84 Davenport Court, Queens**
Block 14243, Lot 1161
Build it Back ID: **APP-002768**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Davenport Court and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-541-A**
PREMISES: **99-58 Davenport Court, Queens**
Block 14243, Lot 1161
Build it Back ID: **APP-012452**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Davenport Court and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-542-A**
PREMISES: **82 Davenport Court, Queens**
Block 14243, Lot 1165
Build it Back ID: **APP-004243**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Davenport Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-543-A**
PREMISES: **102-26 Davenport Court, Queens**
Block 14246, Lot 1185
Build it Back ID: **APP-013429**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 48 feet of frontage along Davenport Court and 3840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-544-A**
PREMISES: **163-52 104 Street, Queens**
Block 14246, Lot 1194
Build it Back ID: **APP-015333**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 104 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 104 Street and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-545-A**
PREMISES: **102-28 First Street, Queens**
Block 14239, Lot 1198
Build it Back ID: **APP-010785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along First Street and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-546-A**
PREMISES: **102-27 163 Road, Queens**
Block 14246, Lot 1200
Build it Back ID: **APP-013170**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 70 feet of frontage along 163 Road and 5600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-547-A**
PREMISES: **102-11 163 Road, Queens**
Block 14246, Lot 1211
Build it Back ID: **APP-024637**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-548-A**
PREMISES: **102-09 163 Road, Queens**
Block 14246, Lot 1212
Build it Back ID: **APP-003599**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-549-A**
PREMISES: **102-05 163 Road, Queens**
Block 14246, Lot 1213
Build it Back ID: **APP-017149**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-550-A**
PREMISES: **102-03 163 Road, Queens**
Block 14246, Lot 1215
Build it Back ID: **APP-023074**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 3840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-551-A**
PREMISES: **99-79 163 Road, Queens**
Block 14246, Lot 1217
Build it Back ID: **APP-004708**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-552-A**
PREMISES: **99-77 163 Road, Queens**
Block 14246, Lot 1218
Build it Back ID: **APP-016173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-553-A**
PREMISES: **99-73 163 Road, Queens**
Block 14243, Lot 1219
Build it Back ID: **APP-003962**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-554-A**
PREMISES: **99-71 163 Road, Queens**
Block 14243, Lot 1221
Build it Back ID: **APP-010609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-555-A**
PREMISES: **99-69 163 Road, Queens**
Block 14243, Lot 1222
Build it Back ID: **APP-022513**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 34 feet of frontage along 163 Road and 2720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-556-A**
PREMISES: **99-65 163 Road, Queens**
Block 14243, Lot 1224
Build it Back ID: **APP-001707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-557-A**
PREMISES: **99-59 163 Road, Queens**
Block 14243, Lot 1227
Build it Back ID: **APP-010579**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-558-A**
PREMISES: **99-55 163 Road, Queens**
Block 14243, Lot 1228
Build it Back ID: **APP-021464**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 163 Road and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-559-A**
PREMISES: **99-53 163 Road, Queens**
Block 14243, Lot 1230
Build it Back ID: **APP-021472**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-560-A**
PREMISES: **99-51 163 Road, Queens**
Block 14243, Lot 1231
Build it Back ID: **APP-002552**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-561-A**
PREMISES: **99-39 163 Road, Queens**
Block 14243, Lot 1237
Build it Back ID: **APP-004597**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-562-A**
PREMISES: **162-23 102 Street, Queens**
Block 14240, Lot 1239
Build it Back ID: **APP-014651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 36 feet of frontage along 102 Street and 3362 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-563-A**
PREMISES: **99-34 163 Road, Queens**
Block 14244, Lot 1250
Build it Back ID: **APP-003182**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-564-A**
PREMISES: **99-38 163 Road, Queens**
Block 14244, Lot 1252
Build it Back ID: **APP-003748**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 163 Road and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-565-A**
PREMISES: **99-42 163 Road, Queens**
Block 14244, Lot 1254
Build it Back ID: **APP-021036**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-566-A**
PREMISES: **99-46 163 Road, Queens**
Block 14244, Lot 1255
Build it Back ID: **APP-023971**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-567-A**
PREMISES: **99-48 Burlingame Court, Queens**
Block 14244, Lot 1257
Build it Back ID: **APP-019095**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Burlingame Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Burlingame Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-568-A**
PREMISES: **99-64 163 Road, Queens**
Block 14244, Lot 1264
Build it Back ID: **APP-002065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 90 feet of frontage along 163 Road and 7200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-569-A**
PREMISES: **99-70 163 Road, Queens**
Block 14244, Lot 1268
Build it Back ID: **APP-009541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-570-A**
PREMISES: **99-72 Burlingham Court, Queens**
Block 14244, Lot 1269
Build it Back ID: **APP-009081**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Burlingham Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along Burlingham Court and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-571-A**
PREMISES: **99-74 163 Road, Queens**
Block 14244, Lot 1271
Build it Back ID: **APP-015566**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-572-A**
PREMISES: **99-78 163 Road, Queens**
Block 14247, Lot 1273
Build it Back ID: **APP-005282**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-573-A**
PREMISES: **102-02 163 Road, Queens**
Block 14247, Lot 1274
Build it Back ID: **APP-021680**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-574-A**
PREMISES: **102-12 163 Road, Queens**
Block 14247, Lot 1279
Build it Back ID: **APP-016234**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along 163 Road and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-575-A**
PREMISES: **102-20 163 Road, Queens**
Block 14247, Lot 1284
Build it Back ID: **APP-001689**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along 163 Road and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-576-A**
PREMISES: **99-46 First Street, Queens**
Block 14231, Lot 1288
Build it Back ID: **APP-007940**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 84 feet of frontage along First Street and 5376 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-577-A**
PREMISES: **99-52 First Street, Queens**
Block 14231, Lot 1291
Build it Back ID: **APP-014671**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on First Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along First Street and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-578-A**
PREMISES: **99-54 1 Street, Queens**
Block 14231, Lot 1293
Build it Back ID: **APP-010175**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 1 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 1 Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-579-A**
PREMISES: **102-31 163 Drive, Queens**
Block 14247, Lot 1302
Build it Back ID: **APP-002563**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-580-A**
PREMISES: **102-25 163 Drive, Queens**
Block 14247, Lot 1304
Build it Back ID: **APP-024942**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-581-A**
PREMISES: **102-19 James Court, Queens**
Block 14247, Lot 1307
Build it Back ID: **APP-021637**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on James Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along James Court and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-582-A**
PREMISES: **102-15 163 Drive, Queens**
Block 14247, Lot 1309
Build it Back ID: **APP-021660**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-583-A**
PREMISES: **102-13 163 Drive, Queens**
Block 14247, Lot 1310
Build it Back ID: **APP-024706**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 163 Drive and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-584-A**
PREMISES: **99-67 James Court, Queens**
Block 14244, Lot 1324
Build it Back ID: **APP-000817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on James Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along James Court and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-585-A**
PREMISES: **99-55 163 Drive, Queens**
Block 14244, Lot 1330
Build it Back ID: **APP-018010**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-586-A**
PREMISES: **99-51 163 Drive, Queens**
Block 14244, Lot 1332
Build it Back ID: **APP-022035**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-587-A**
PREMISES: **102-31 Rau Court, Queens**
Block 14240, Lot 1336
Build it Back ID: **APP-018915**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rau Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 48 feet of frontage along Rau Court and 3800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-588-A**
PREMISES: **99-39 163 Drive, Queens**
Block 14244, Lot 1338
Build it Back ID: **APP-002601**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-589-A**
PREMISES: **102-07 Rau Court, Queens**
Block 14240, Lot 1349
Build it Back ID: **APP-001628**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rau Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Rau Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-590-A**
PREMISES: **99-71 Rau Court, Queens**
Block 14231, Lot 1357
Build it Back ID: **APP-018630**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rau Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Rau Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-591-A**
PREMISES: **99-69 Rau Court, Queens**
Block 14231, Lot 1358
Build it Back ID: **APP-022194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rau Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Rau Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-592-A**
PREMISES: **99-38 James Ct, Queens**
Block 14245, Lot 1365
Build it Back ID: **APP-006523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on James Ct within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along James Ct and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-593-A**
PREMISES: **99-46 163 Drive, Queens**
Block 14245, Lot 1369
Build it Back ID: **APP-006255**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along 163 Drive and 4800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-594-A**
PREMISES: **99-52 163 Drive, Queens**
Block 14245, Lot 1372
Build it Back ID: **APP-013092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 163 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-595-A**
PREMISES: **102-14 163 Drive, Queens**
Block 14248, Lot 1393
Build it Back ID: **APP-017633**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 46 feet of frontage along 163 Drive and 3680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-596-A**
PREMISES: **102-20 James Court, Queens**
Block 14248, Lot 1397
Build it Back ID: **APP-025086**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on James Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along James Court and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-597-A**
PREMISES: **102-24 James Court, Queens**
Block 14248, Lot 1399
Build it Back ID: **APP-001911**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on James Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along James Court and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-598-A**
PREMISES: **102-23 164 Avenue, Queens**
Block 14248, Lot 1419
Build it Back ID: **APP-012339**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Avenue and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-599-A**
PREMISES: **102-19 164 Avenue, Queens**
Block 14248, Lot 1421
Build it Back ID: **APP-013844**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-600-A**
PREMISES: **102-13 164 Avenue, Queens**
Block 14248, Lot 1424
Build it Back ID: **APP-021281**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 22 feet of frontage along 164 Avenue and 1793 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-601-A**
PREMISES: **102-11 164 Avenue, Queens**
Block 14248, Lot 1425
Build it Back ID: **APP-006000**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 42 feet of frontage along 164 Avenue and 3360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-602-A**
PREMISES: **99-69 164 Avenue, Queens**
Block 14245, Lot 1437
Build it Back ID: **APP-021737**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-603-A**
PREMISES: **99-57 164 Avenue, Queens**
Block 14245, Lot 1443
Build it Back ID: **APP-000415**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1640 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-604-A**
PREMISES: **99-37 164 Avenue, Queens**
Block 14245, Lot 1453
Build it Back ID: **APP-012842**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-605-A**
PREMISES: **99-35 164 Avenue, Queens**
Block 14245, Lot 1454
Build it Back ID: **APP-019787**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-606-A**
PREMISES: **99-33 164 Avenue, Queens**
Block 14245, Lot 1455
Build it Back ID: **APP-018012**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-607-A**
PREMISES: **99-34 164 Avenue, Queens**
Block 14250, Lot 1461
Build it Back ID: **APP-004966**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Avenue and 4990 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-608-A**
PREMISES: **102-12 164 Avenue, Queens**
Block 14253, Lot 1497
Build it Back ID: **APP-007588**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along 164 Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-609-A**
PREMISES: **102-20 164 Avenue, Queens**
Block 14253, Lot 1501
Build it Back ID: **APP-015031**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 164 Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-610-A**
PREMISES: **164-02 104 Street, Queens**
Block 14253, Lot 1510
Build it Back ID: **APP-001055**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 104 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 104 Street and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-611-A**
PREMISES: **102-31 164 Road, Queens**
Block 14253, Lot 1520
Build it Back ID: **APP-021142**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 164 Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-612-A**
PREMISES: **102-27 164 Road, Queens**
Block 14253, Lot 1521
Build it Back ID: **APP-022814**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-613-A**
PREMISES: **102-23 164 Road, Queens**
Block 14253, Lot 1523
Build it Back ID: **APP-002245**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-614-A**
PREMISES: **102-21 164 Road, Queens**
Block 14253, Lot 1524
Build it Back ID: **APP-022306**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-615-A**
PREMISES: **102-01 164 Road, Queens**
Block 14253, Lot 1533
Build it Back ID: **APP-003875**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along 164 Road and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-616-A**
PREMISES: **99-81 164 Road, Queens**
Block 14253, Lot 1535
Build it Back ID: **APP-002274**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-617-A**
PREMISES: **99-79 164 Road, Queens**
Block 14253, Lot 1536
Build it Back ID: **APP-000861**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-618-A**
PREMISES: **99-75 164 Road, Queens**
Block 14250, Lot 1538
Build it Back ID: **APP-000420**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 164 Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-619-A**
PREMISES: **99-55 164 Road, Queens**
Block 14250, Lot 1548
Build it Back ID: **APP-002862**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-620-A**
PREMISES: **99-51 164 Road, Queens**
Block 14250, Lot 1550
Build it Back ID: **APP-008534**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-621-A**
PREMISES: **99-40 164 Road, Queens**
Block 14251, Lot 1601
Build it Back ID: **APP-018681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Road and 5760 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-622-A**
PREMISES: **99-54 164 Road, Queens**
Block 14251, Lot 1604
Build it Back ID: **APP-023039**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-623-A**
PREMISES: **99-77 164 Drive, Queens**
Block 14254, Lot 1613
Build it Back ID: **APP-018236**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 164 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-624-A**
PREMISES: **99-79 164 Drive, Queens**
Block 14254, Lot 1614
Build it Back ID: **APP-005082**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Drive and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-625-A**
PREMISES: **102-05 164 Drive, Queens**
Block 14254, Lot 1618
Build it Back ID: **APP-020258**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along 164 Drive and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-626-A**
PREMISES: **102-11 Moncriff Court, Queens**
Block 14254, Lot 1621
Build it Back ID: **APP-022793**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Moncriff Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Moncriff Court and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-627-A**
PREMISES: **102-19 Moncriff Court, Queens**
Block 14254, Lot 1625
Build it Back ID: **APP-008347**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Moncriff Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Moncriff Court and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-628-A**
PREMISES: **102-25 164 Drive, Queens**
Block 14254, Lot 1628
Build it Back ID: **APP-010790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along 164 Drive and 1840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-629-A**
PREMISES: **102-27 164 Drive, Queens**
Block 14254, Lot 1629
Build it Back ID: **APP-012479**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along 164 Drive and 1840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-630-A**
PREMISES: **102-18 164 Road, Queens**
Block 14254, Lot 1649
Build it Back ID: **APP-008745**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-631-A**
PREMISES: **102-08 164 Road, Queens**
Block 14254, Lot 1653
Build it Back ID: **APP-017822**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Road and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-632-A**
PREMISES: **99-78 164 Road, Queens**
Block 14254, Lot 1660
Build it Back ID: **APP-023062**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-633-A**
PREMISES: **99-62 164 Road, Queens**
Block 14251, Lot 1668
Build it Back ID: **APP-023812**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Road and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-634-A**
PREMISES: **99-60 164 Road, Queens**
Block 14251, Lot 1669
Build it Back ID: **APP-020473**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Road within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 164 Road and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-635-A**
PREMISES: **99-65 165 Avenue, Queens**
Block 14252, Lot 1675
Build it Back ID: **APP-021189**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 165 Avenue and 2860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-636-A**
PREMISES: **99-63 165 Avenue, Queens**
Block 14252, Lot 1676
Build it Back ID: **APP-012681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 165 Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-637-A**
PREMISES: **102-07 Lockwood Court, Queens**
Block 14255, Lot 1687
Build it Back ID: **APP-025065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lockwood Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 28 feet of frontage along Lockwood Court and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-638-A**
PREMISES: **102-19 165 Avenue, Queens**
Block 14255, Lot 1694
Build it Back ID: **APP-011399**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 165 Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-639-A**
PREMISES: **102-21 165 Avenue, Queens**
Block 14255, Lot 1696
Build it Back ID: **APP-008302**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 165 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-640-A**
PREMISES: **102-23 165 Avenue, Queens**
Block 14255, Lot 1697
Build it Back ID: **APP-023644**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along 165 Avenue and 1840 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-641-A**
PREMISES: **102-29 Lockwood Court, Queens**
Block 14255, Lot 1700
Build it Back ID: **APP-024803**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lockwood Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along Lockwood Court and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-642-A**
PREMISES: **164-48 104 Street, Queens**
Block 14255, Lot 1705
Build it Back ID: **APP-012915**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 104 Street within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 104 Street and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-643-A**
PREMISES: **102-06 164 Drive, Queens**
Block 14255, Lot 1726
Build it Back ID: **APP-023629**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along 164 Drive and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-644-A**
PREMISES: **99-74 164 Drive, Queens**
Block 14252, Lot 1732
Build it Back ID: **APP-018030**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 164 Drive within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 164 Drive and 3200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-645-A**
PREMISES: **99-66 165 Avenue, Queens**
Block 14252, Lot 1735
Build it Back ID: **APP-021199**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 135 feet of frontage along 165 Avenue and 4716 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-646-A**
PREMISES: **102-22 Lockwood Court, Queens**
Block 14255, Lot 1777
Build it Back ID: **APP-025076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lockwood Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along Lockwood Court and 4800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-647-A**
PREMISES: **102-16 165 Avenue, Queens**
Block 14255, Lot 1780
Build it Back ID: **APP-024547**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along 165 Avenue and 4800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-648-A**
PREMISES: **102-14 165 Avenue, Queens**
Block 14255, Lot 1781
Build it Back ID: **APP-011397**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along 165 Avenue and 1680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-649-A**
PREMISES: **102-02 165 Avenue, Queens**
Block 14255, Lot 1783
Build it Back ID: **APP-015484**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 100 feet of frontage along 165 Avenue and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-650-A**
PREMISES: **99-76 165 Avenue, Queens**
Block 14255, Lot 1791
Build it Back ID: **APP-021195**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 165 Avenue within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along 165 Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-651-A**
PREMISES: **102-23 Davenport Court, Queens**
Block 14246, Lot 2039
Build it Back ID: **APP-002337**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Davenport Court within an R3-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Davenport Court and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-652-A**
PREMISES: **1 3 Street, Queens**
Block 13921, Lot 23
Build it Back ID: **APP-016458**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 3 Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along 3 Street and 7800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-653-A**
PREMISES: **21 1 Street, Queens**
Block 13921, Lot 38
Build it Back ID: **APP-024265**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 1 Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 1 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-654-A**
PREMISES: **155-02 Broad Street, Queens**
Block 13910, Lot 42
Build it Back ID: **APP-001243**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broad Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Broad Street and 1742 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-655-A**
PREMISES: **155-10 Broad Street, Queens**
Block 13910, Lot 48
Build it Back ID: **APP-020136**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broad Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Broad Street and 3483 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-656-A**
PREMISES: **9 1 Street, Queens**
Block 13921, Lot 50
Build it Back ID: **APP-017248**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 1 Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along 1 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-657-A**
PREMISES: **155-22 Broad Street, Queens**
Block 13910, Lot 52
Build it Back ID: **APP-013180**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broad Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Broad Street and 3450 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-658-A**
PREMISES: **10 Third Street, Queens**
Block 13921, Lot 98
Build it Back ID: **APP-019498**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Third Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 38 feet of frontage along Third Street and 3800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-659-A**
PREMISES: **8 3 Street, Queens**
Block 13921, Lot 100
Build it Back ID: **APP-019604**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 3 Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 42 feet of frontage along 3 Street and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-660-A**
PREMISES: **16 Meyer Avenue, Queens**
Block 13921, Lot 110
Build it Back ID: **APP-014612**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Meyer Avenue within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 49 feet of frontage along Meyer Avenue and 3467 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-661-A**
PREMISES: **155-39 Broad Street, Queens**
Block 13911, Lot 127
Build it Back ID: **APP-022884**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Broad Street within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 51 feet of frontage along Broad Street and 6414 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-662-A**
PREMISES: **155-90 Bayview Avenue, Queens**
Block 13912, Lot 197
Build it Back ID: **APP-018677**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 43 feet of frontage along Bayview Avenue and 4352 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-663-A**
PREMISES: **155-98 Bayview Avenue, Queens**
Block 13912, Lot 202
Build it Back ID: **APP-008851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Bayview Avenue and 1875 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-664-A**
PREMISES: **155-100 Bayview Avenue, Queens**
Block 13912, Lot 204
Build it Back ID: **APP-021089**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayview Avenue within an M1-1 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Bayview Avenue and 3750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-665-A**
PREMISES: **248 Beach 79 Street, Queens**
Block 16111, Lot 1
Build it Back ID: **APP-025211**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 79 Street within an R6 zoning district, in Queens; and

WHEREAS, the site has 42 feet of frontage along Beach 79 Street and 3168 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-666-A**
PREMISES: **260 Beach 117 Street, Queens**
Block 16212, Lot 1
Build it Back ID: **APP-013578**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Beach 117 Street and 3045 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-667-A**
PREMISES: **734 Church Road, Queens**
Block 15456, Lot 1
Build it Back ID: **APP-007496**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-668-A**
PREMISES: **13-10 Norton Drive, Queens**
Block 15697, Lot 4
Build it Back ID: **APP-016946**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Norton Drive within an R2 zoning district, in Queens; and

WHEREAS, the site has 54 feet of frontage along Norton Drive and 4269 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-669-A**
PREMISES: **814 Church Road, Queens**
Block 15462, Lot 4
Build it Back ID: **APP-002439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 27 feet of frontage along Church Road and 2700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-670-A**
PREMISES: **24077 Waterview Street, Queens**
Block 15724, Lot 5
Build it Back ID: **APP-017136**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Street within an R2 zoning district, in Queens; and

WHEREAS, the site has 24 feet of frontage along Waterview Street and 2047 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-671-A**
PREMISES: **812 Church Road, Queens**
Block 15462, Lot 5
Build it Back ID: **APP-018437**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along Church Road and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-672-A**
PREMISES: **10-05 Church Road, Queens**
Block 15476, Lot 6
Build it Back ID: **APP-021609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 92 feet of frontage along Church Road and 8239 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-673-A**
PREMISES: **1827 Church Road, Queens**
Block 15484, Lot 6
Build it Back ID: **APP-004919**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 5375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-674-A**
PREMISES: **810 Church Road, Queens**
Block 15462, Lot 6
Build it Back ID: **APP-010487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 22 feet of frontage along Church Road and 2200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-675-A**
PREMISES: **18-25 Church Road, Queens**
Block 15484, Lot 7
Build it Back ID: **APP-022873**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 5375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-676-A**
PREMISES: **808 Church Road, Queens**
Block 15462, Lot 7
Build it Back ID: **APP-016561**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-677-A**
PREMISES: **21885 Waterview Street, Queens**
Block 15724, Lot 8
Build it Back ID: **APP-009406**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Street within an R2 zoning district, in Queens; and

WHEREAS, the site has 93 feet of frontage along Waterview Street and 10155 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-678-A**
PREMISES: **13-18 Norton Drive, Queens**
Block 15697, Lot 8
Build it Back ID: **APP-016953**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Norton Drive within an R2 zoning district, in Queens; and

WHEREAS, the site has 58 feet of frontage along Norton Drive and 5465 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-679-A**
PREMISES: **806 Church Road, Queens**
Block 15462, Lot 8
Build it Back ID: **APP-000063**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-680-A**
PREMISES: **77-16 Aquatic Drive, Queens**
Block 16111, Lot 12
Build it Back ID: **APP-004042**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aquatic Drive within an R6 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Aquatic Drive and 1746 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-681-A**
PREMISES: **17502 Waterview Street, Queens**
Block 15724, Lot 14
Build it Back ID: **APP-016707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Street within an R2 zoning district, in Queens; and

WHEREAS, the site has 38 feet of frontage along Waterview Street and 3750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-682-A**
PREMISES: **14-32 Pearl Street, Queens**
Block 15657, Lot 14
Build it Back ID: **APP-017297**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pearl Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Pearl Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-683-A**
PREMISES: **245 Beach 117 Street, Queens**
Block 16213, Lot 14
Build it Back ID: **APP-012623**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-684-A**
PREMISES: **801 Church Road, Queens**
Block 15460, Lot 14
Build it Back ID: **APP-004741**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-685-A**
PREMISES: **14-34 Pearl Street, Queens**
Block 15657, Lot 15
Build it Back ID: **APP-007779**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pearl Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Pearl Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-686-A**
PREMISES: **803 Church Road, Queens**
Block 15460, Lot 15
Build it Back ID: **APP-000508**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Church Road and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-687-A**
PREMISES: **14580 Waterview Place, Queens**
Block 15724, Lot 18
Build it Back ID: **APP-019902**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Place within an R2 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Waterview Place and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-688-A**
PREMISES: **237 Beach 117 Street, Queens**
Block 16213, Lot 18
Build it Back ID: **APP-005338**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-689-A**
PREMISES: **246 Beach 79 Street, Queens**
Block 16111, Lot 18
Build it Back ID: **APP-007427**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 79 Street within an R6 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Beach 79 Street and 2079 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-690-A**
PREMISES: **809 Church Road, Queens**
Block 15460, Lot 18
Build it Back ID: **APP-023265**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Church Road and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-691-A**
PREMISES: **173A B 110 Street, Queens**
Block 16183, Lot 19
Build it Back ID: **APP-001348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on B 110 Street within an R4 zoning district, in Queens; and

WHEREAS, the site has 36 feet of frontage along B 110 Street and 1206 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-692-A**
PREMISES: **233 Beach 117 Street, Queens**
Block 16213, Lot 20
Build it Back ID: **APP-008694**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-693-A**
PREMISES: **709 Church Road, Queens**
Block 15452, Lot 21
Build it Back ID: **APP-024246**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 28 feet of frontage along Church Road and 2430 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-694-A**
PREMISES: **813 Church Road, Queens**
Block 15460, Lot 21
Build it Back ID: **APP-021097**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 75 feet of frontage along Church Road and 7500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-695-A**
PREMISES: **227 Beach 117 Street, Queens**
Block 16213, Lot 22
Build it Back ID: **APP-011882**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-696-A**
PREMISES: **13119 Waterview Street, Queens**
Block 15724, Lot 23
Build it Back ID: **APP-022149**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Street within an R2 zoning district, in Queens; and

WHEREAS, the site has 70 feet of frontage along Waterview Street and 5829 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-697-A**
PREMISES: **223 Beach 117 Street, Queens**
Block 16213, Lot 24
Build it Back ID: **APP-000916**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-698-A**
PREMISES: **609 Church Road, Queens**
Block 15451, Lot 25
Build it Back ID: **APP-019640**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 29 feet of frontage along Church Road and 4594 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-699-A**
PREMISES: **72-01 Thursby Avenue, Queens**
Block 16067, Lot 25
Build it Back ID: **APP-016316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Thursby Avenue within an R4A zoning district, in Queens; and

WHEREAS, the site has 50 feet of frontage along Thursby Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-700-A**
PREMISES: **16-37 Church Road, Queens**
Block 15482, Lot 26
Build it Back ID: **APP-010438**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 3788 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-701-A**
PREMISES: **221 Beach 117 Street, Queens**
Block 16213, Lot 26
Build it Back ID: **APP-024006**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-702-A**
PREMISES: **16-35 Church Road, Queens**
Block 15482, Lot 27
Build it Back ID: **APP-020375**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 3775 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-703-A**
PREMISES: **16-33 Church Road, Queens**
Block 15482, Lot 28
Build it Back ID: **APP-003698**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 4532 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-704-A**
PREMISES: **211 Beach 117 Street, Queens**
Block 16213, Lot 30
Build it Back ID: **APP-006461**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-705-A**
PREMISES: **42353 Waterview Street, Queens**
Block 15724, Lot 31
Build it Back ID: **APP-018036**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Street within an R2 zoning district, in Queens; and

WHEREAS, the site has 74 feet of frontage along Waterview Street and 8171 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-706-A**
PREMISES: **74-16 Hillmeyer Avenue, Queens**
Block 16061, Lot 33
Build it Back ID: **APP-000320**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hillmeyer Avenue within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along Hillmeyer Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-707-A**
PREMISES: **76-11 Aquatic Drive, Queens**
Block 16091, Lot 35
Build it Back ID: **APP-000264**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aquatic Drive within an R6 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Aquatic Drive and 2097 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-708-A**
PREMISES: **175 Beach 24 Street, Queens**
Block 15815, Lot 36
Build it Back ID: **APP-021359**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 24 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 24 Street and 1213 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-709-A**
PREMISES: **74-20 Hillmeyer Avenue, Queens**
Block 16061, Lot 36
Build it Back ID: **APP-009381**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hillmeyer Avenue within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Hillmeyer Avenue and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-710-A**
PREMISES: **181 Beach 24 Street, Queens**
Block 15815, Lot 40
Build it Back ID: **APP-017936**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 24 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Beach 24 Street and 1470 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-711-A**
PREMISES: **342 Old Beach 88 Street, Queens**
Block 16119, Lot 40
Build it Back ID: **APP-015793**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Old Beach 88 Street within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Old Beach 88 Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-712-A**
PREMISES: **16-12 Church Road, Queens**
Block 15482, Lot 42
Build it Back ID: **APP-001173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Church Road and 9750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-713-A**
PREMISES: **77-15 Aquatic Drive, Queens**
Block 16111, Lot 43
Build it Back ID: **APP-015952**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aquatic Drive within an R6 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Aquatic Drive and 2184 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-714-A**
PREMISES: **346 Old Beach 88 Street, Queens**
Block 16119, Lot 45
Build it Back ID: **APP-012081**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Old Beach 88 Street within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along Old Beach 88 Street and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-715-A**
PREMISES: **77-11 Aquatic Drive, Queens**
Block 16111, Lot 45
Build it Back ID: **APP-005548**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aquatic Drive within an R6 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Aquatic Drive and 2184 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-716-A**
PREMISES: **72-32 Thursby Avenue, Queens**
Block 16066, Lot 47
Build it Back ID: **APP-019720**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Thursby Avenue partially within an R4A zoning district and partially within an C3 zoning district, in Queens; and

WHEREAS, the site has 35 feet of frontage along Thursby Avenue and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-717-A**
PREMISES: **16-02 Church Road, Queens**
Block 15480, Lot 51
Build it Back ID: **APP-002042**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Church Road and 7650 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-718-A**
PREMISES: **14-34 Church Road, Queens**
Block 15480, Lot 52
Build it Back ID: **APP-006183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 5 feet of frontage along Church Road and 6450 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-719-A**
PREMISES: **1637 Channel Road, Queens**
Block 15481, Lot 54
Build it Back ID: **APP-021266**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Channel Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Channel Road and 2525 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-720-A**
PREMISES: **234 Beach 117 Street, Queens**
Block 16212, Lot 54
Build it Back ID: **APP-008178**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-721-A**
PREMISES: **77-03 Aquatic Drive, Queens**
Block 16111, Lot 54
Build it Back ID: **APP-013767**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aquatic Drive within an R6 zoning district, in Queens; and

WHEREAS, the site has 33 feet of frontage along Aquatic Drive and 3183 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-722-A**
PREMISES: **246 Beach 117 Street, Queens**
Block 16212, Lot 60
Build it Back ID: **APP-001599**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-723-A**
PREMISES: **250 Beach 117 Street, Queens**
Block 16212, Lot 62
Build it Back ID: **APP-021113**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Beach 117 Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-724-A**
PREMISES: **24-10 Bayswater Avenue, Queens**
Block 15691, Lot 63
Build it Back ID: **APP-013497**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayswater Avenue within an R2 zoning district, in Queens; and

WHEREAS, the site has 52 feet of frontage along Bayswater Avenue and 5306 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-725-A**
PREMISES: **256 Beach 117 Street, Queens**
Block 16212, Lot 65
Build it Back ID: **APP-023677**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along Beach 117 Street and 2055 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-726-A**
PREMISES: **258 Beach 117 Street, Queens**
Block 16212, Lot 66
Build it Back ID: **APP-008945**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 21 feet of frontage along Beach 117 Street and 2055 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-727-A**
PREMISES: **169 Beach 25 Street, Queens**
Block 15817, Lot 79
Build it Back ID: **APP-024811**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 25 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 25 Street and 2450 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-728-A**
PREMISES: **355D Beach 87 Street, Queens**
Block 16119, Lot 79
Build it Back ID: **APP-025638**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 87 Street within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 87 Street and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-729-A**
PREMISES: **29-38 Bayswater Avenue, Queens**
Block 15697, Lot 80
Build it Back ID: **APP-010230**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Bayswater Avenue within an R2 zoning district, in Queens; and

WHEREAS, the site has 46 feet of frontage along Bayswater Avenue and 7144 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-730-A**
PREMISES: **20-02 Demerest Road, Queens**
Block 15500, Lot 106
Build it Back ID: **APP-021901**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Demerest Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 60 feet of frontage along Demerest Road and 4972 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-731-A**
PREMISES: **20-06 Church Road, Queens**
Block 15500, Lot 110
Build it Back ID: **APP-021242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 40 feet of frontage along Church Road and 3825 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-732-A**
PREMISES: **173B Beach 110 Street, Queens**
Block 16183, Lot 119
Build it Back ID: **APP-024923**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 110 Street within an R4 zoning district, in Queens; and

WHEREAS, the site has 22 feet of frontage along Beach 110 Street and 792 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-733-A**
PREMISES: **166 Beach 25 Street, Queens**
Block 15815, Lot 131
Build it Back ID: **APP-024813**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 25 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 25 Street and 1225 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-734-A**
PREMISES: **168 Beach 25 Street, Queens**
Block 15815, Lot 132
Build it Back ID: **APP-013167**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 25 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 25 Street and 1225 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-735-A**
PREMISES: **176 Beach 25 Street, Queens**
Block 15815, Lot 137
Build it Back ID: **APP-022116**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 25 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Beach 25 Street and 1225 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-736-A**
PREMISES: **168 Marvin Street, Queens**
Block 15819, Lot 141
Build it Back ID: **APP-022586**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Marvin Street within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Marvin Street and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-737-A**
PREMISES: **170 Marvin Street, Queens**
Block 15819, Lot 142
Build it Back ID: **APP-022105**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Marvin Street within an R4-1 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along Marvin Street and 1375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-738-A**
PREMISES: **182 Beach 25 Street, Queens**
Block 15815, Lot 142
Build it Back ID: **APP-011185**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 25 Street within an R3A zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Beach 25 Street and 1470 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-739-A**
PREMISES: **212B Beach 117 Street, Queens**
Block 16212, Lot 143
Build it Back ID: **APP-025557**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 117 Street within an R4A zoning district, in Queens; and

WHEREAS, the site has 30 feet of frontage along Beach 117 Street and 645 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-740-A**
PREMISES: **300 Ostend Place, Queens**
Block 15629, Lot 276
Build it Back ID: **APP-018112**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Ostend Place within an R5 zoning district, in Queens; and

WHEREAS, the site has 20 feet of frontage along Ostend Place and 1288 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-741-A**
PREMISES: **10-08 Church Road, Queens**
Block 15500, Lot 500
Build it Back ID: **APP-025797**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 563 feet of frontage along Church Road and 1110850 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-742-A**
PREMISES: **10-10 Church Road, Queens**
Block 15500, Lot 500
Build it Back ID: **APP-022876**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Church Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 563 feet of frontage along Church Road and 1110850 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-743-A**
PREMISES: **930 Lanark Road, Queens**
Block 15500, Lot 592
Build it Back ID: **APP-005200**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lanark Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 64 feet of frontage along Lanark Road and 4800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-744-A**
PREMISES: **926 Lanark Road, Queens**
Block 15500, Lot 594
Build it Back ID: **APP-019965**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lanark Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 84 feet of frontage along Lanark Road and 6300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-745-A**
PREMISES: **914 Lanark Road, Queens**
Block 15500, Lot 600
Build it Back ID: **APP-001776**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lanark Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 43 feet of frontage along Lanark Road and 3225 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-746-A**
PREMISES: **910 Lanark Road, Queens**
Block 15500, Lot 602
Build it Back ID: **APP-006320**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lanark Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 37 feet of frontage along Lanark Road and 2775 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-747-A**
PREMISES: **17 East 1 Road, Queens**
Block 15376, Lot 888
Build it Back ID: **APP-001919**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on East 1 Road within an PARKUS zoning district, in Queens; and

WHEREAS, the site has 2060 feet of frontage along East 1 Road and 6100680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-750-A**
PREMISES: **54 Adrianne Lane, Staten Island**
Block 1702, Lot 21
Build it Back ID: **APP-024224**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Adrianne Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 16 feet of frontage along Adrianne Lane and 1271 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-751-A**
PREMISES: **81 Harbor View Place, Staten Island**
Block 2835, Lot 51
Build it Back ID: **APP-000624**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Harbor View Place within an R1-2 zoning district, in Staten Island; and

WHEREAS, the site has 139 feet of frontage along Harbor View Place and 6811 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-752-A**
PREMISES: **3 Wygant Place, Staten Island**
Block 194, Lot 60
Build it Back ID: **APP-010217**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wygant Place within an C8-1 zoning district, in Staten Island; and

WHEREAS, the site has 29 feet of frontage along Wygant Place and 1798 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-753-A**
PREMISES: **10 Wygant Place, Staten Island**
Block 194, Lot 72
Build it Back ID: **APP-018813**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wygant Place within an C8-1 zoning district, in Staten Island; and

WHEREAS, the site has 36 feet of frontage along Wygant Place and 2414 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-754-A**
PREMISES: **55 Waterview Court, Staten Island**
Block 2831, Lot 77
Build it Back ID: **APP-016617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Court within an R4 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Waterview Court and 2040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-755-A**
PREMISES: **49 Waterview Court, Staten Island**
Block 2831, Lot 80
Build it Back ID: **APP-009613**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Court within an R4 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Waterview Court and 2040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-756-A**
PREMISES: **14 Waterview Court, Staten Island**
Block 2831, Lot 107
Build it Back ID: **APP-020594**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterview Court within an R4 zoning district, in Staten Island; and

WHEREAS, the site has 28 feet of frontage along Waterview Court and 2360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-757-A**
PREMISES: **2 Port Lane, Staten Island**
Block 1086, Lot 120
Build it Back ID: **APP-000408**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Port Lane within an R4 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Port Lane and 1550 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-758-A**
PREMISES: **49 Adrianne Lane, Staten Island**
Block 1682, Lot 138
Build it Back ID: **APP-021211**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Adrianne Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 33 feet of frontage along Adrianne Lane and 2996 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-759-A**
PREMISES: **33 Port Lane, Staten Island**
Block 1086, Lot 144
Build it Back ID: **APP-021063**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Port Lane within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Port Lane and 938 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-760-A**
PREMISES: **37 Port Lane, Staten Island**
Block 1086, Lot 146
Build it Back ID: **APP-016097**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Port Lane within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Port Lane and 995 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-761-A**
PREMISES: **39 Port Lane, Staten Island**
Block 1086, Lot 150
Build it Back ID: **APP-018971**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Port Lane within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Port Lane and 996 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-762-A**
PREMISES: **106 Tilson Place, Staten Island**
Block 2847, Lot 174
Build it Back ID: **APP-014092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tilson Place within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 37 feet of frontage along Tilson Place and 2050 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-763-A**
PREMISES: **66 Topping Street, Staten Island**
Block 4085, Lot 1
Build it Back ID: **APP-001578**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 62 feet of frontage along Topping Street and 4960 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-764-A**
PREMISES: **33 Iona Street, Staten Island**
Block 3832, Lot 1
Build it Back ID: **APP-002180**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 120 feet of frontage along Iona Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-765-A**
PREMISES: **57 Cherokee Street, Staten Island**
Block 3843, Lot 1
Build it Back ID: **APP-000573**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 38 feet of frontage along Cherokee Street and 2280 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-766-A**
PREMISES: **675 Seaver Avenue, Staten Island**
Block 3831, Lot 1
Build it Back ID: **APP-006954**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 34 feet of frontage along Seaver Avenue and 2040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-767-A**
PREMISES: **14 Cherokee Street, Staten Island**
Block 3848, Lot 3
Build it Back ID: **APP-011357**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-768-A**
PREMISES: **36 Watson Avenue, Staten Island**
Block 2632, Lot 3
Build it Back ID: **APP-002310**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Watson Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Watson Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-769-A**
PREMISES: **65 Neptune Street, Staten Island**
Block 4078, Lot 3
Build it Back ID: **APP-006659**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-770-A**
PREMISES: **404 Slater Boulevard, Staten Island**
Block 3831, Lot 4
Build it Back ID: **APP-003928**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Slater Boulevard within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Slater Boulevard and 1440 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-771-A**
PREMISES: **21 Sioux Street, Staten Island**
Block 3849, Lot 5
Build it Back ID: **APP-001217**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-772-A**
PREMISES: **61 Neptune Street, Staten Island**
Block 4078, Lot 5
Build it Back ID: **APP-010574**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-773-A**
PREMISES: **10 Cherokee Street, Staten Island**
Block 3848, Lot 6
Build it Back ID: **APP-013854**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-774-A**
PREMISES: **12 Neutral Avenue, Staten Island**
Block 4093, Lot 6
Build it Back ID: **APP-004445**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neutral Avenue and 1710 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-775-A**
PREMISES: **16 Iroquois Street, Staten Island**
Block 3860, Lot 6
Build it Back ID: **APP-014924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Iroquois Street and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-776-A**
PREMISES: **20 Cherokee Street, Staten Island**
Block 3844, Lot 6
Build it Back ID: **APP-017499**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-777-A**
PREMISES: **30 Watson Avenue, Staten Island**
Block 2632, Lot 6
Build it Back ID: **APP-017752**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Watson Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Watson Avenue and 7500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-778-A**
PREMISES: **53 Milbank Road, Staten Island**
Block 4091, Lot 6
Build it Back ID: **APP-005737**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 37 feet of frontage along Milbank Road and 2220 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-779-A**
PREMISES: **57 Neptune Street, Staten Island**
Block 4078, Lot 7
Build it Back ID: **APP-024016**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-780-A**
PREMISES: **57 Waterside Street, Staten Island**
Block 4079, Lot 7
Build it Back ID: **APP-002939**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Waterside Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-781-A**
PREMISES: **12 Iroquois Street, Staten Island**
Block 3860, Lot 8
Build it Back ID: **APP-017385**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 48 feet of frontage along Iroquois Street and 2918 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-782-A**
PREMISES: **15 Sioux Street, Staten Island**
Block 3849, Lot 8
Build it Back ID: **APP-013245**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-783-A**
PREMISES: **16 Neutral Avenue, Staten Island**
Block 4093, Lot 8
Build it Back ID: **APP-008588**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neutral Avenue and 1710 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-784-A**
PREMISES: **18 Cherokee Street, Staten Island**
Block 3844, Lot 8
Build it Back ID: **APP-000873**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-785-A**
PREMISES: **49 Milbank Road, Staten Island**
Block 4091, Lot 8
Build it Back ID: **APP-011859**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Milbank Road and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-786-A**
PREMISES: **55 Seafoam Street, Staten Island**
Block 4080, Lot 8
Build it Back ID: **APP-022150**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-787-A**
PREMISES: **61 Neutral Avenue, Staten Island**
Block 4092, Lot 8
Build it Back ID: **APP-008323**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neutral Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-788-A**
PREMISES: **18 Neutral Avenue, Staten Island**
Block 4093, Lot 9
Build it Back ID: **APP-000422**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Neutral Avenue and 3480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-789-A**
PREMISES: **53 Waterside Street, Staten Island**
Block 4079, Lot 9
Build it Back ID: **APP-008310**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 70 feet of frontage along Waterside Street and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-790-A**
PREMISES: **57 Maple Terrace, Staten Island**
Block 4082, Lot 9
Build it Back ID: **APP-008272**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Maple Terrace and 2610 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

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

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-791-A**
PREMISES: **57 Neutral Avenue, Staten Island**
Block 4092, Lot 9
Build it Back ID: **APP-013667**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-792-A**
PREMISES: **6 Cherokee Street, Staten Island**
Block 3848, Lot 9
Build it Back ID: **APP-025510**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-793-A**
PREMISES: **13 Sioux Street, Staten Island**
Block 3849, Lot 10
Build it Back ID: **APP-003298**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-794-A**
PREMISES: **22 Sioux Street, Staten Island**
Block 3850, Lot 10
Build it Back ID: **APP-008598**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-795-A**
PREMISES: **28 Iona Street, Staten Island**
Block 3847, Lot 10
Build it Back ID: **APP-012466**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iona Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-796-A**
PREMISES: **53 Neptune Street, Staten Island**
Block 4078, Lot 10
Build it Back ID: **APP-006413**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-797-A**
PREMISES: **11 Cedar Grove Court, Staten Island**
Block 4089, Lot 11
Build it Back ID: **APP-005362**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2810 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-798-A**
PREMISES: **11 Sioux Street, Staten Island**
Block 3849, Lot 11
Build it Back ID: **APP-011795**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-799-A**
PREMISES: **42 Iona Street, Staten Island**
Block 3843, Lot 11
Build it Back ID: **APP-014377**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iona Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-800-A**
PREMISES: **49 Neutral Avenue, Staten Island**
Block 4092, Lot 11
Build it Back ID: **APP-016784**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-801-A**
PREMISES: **55 Center Place, Staten Island**
Block 4083, Lot 11
Build it Back ID: **APP-018203**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-802-A**
PREMISES: **18 Sioux Street, Staten Island**
Block 3850, Lot 12
Build it Back ID: **APP-011358**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-803-A**
PREMISES: **26 Neutral Avenue, Staten Island**
Block 4093, Lot 12
Build it Back ID: **APP-014923**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-804-A**
PREMISES: **47 Waterside Street, Staten Island**
Block 4079, Lot 12
Build it Back ID: **APP-003162**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-805-A**
PREMISES: **49 Neptune Street, Staten Island**
Block 4078, Lot 12
Build it Back ID: **APP-019348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-806-A**
PREMISES: **51 Wavecrest Street, Staten Island**
Block 4081, Lot 12
Build it Back ID: **APP-014610**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Wavecrest Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-807-A**
PREMISES: **53 Topping Street, Staten Island**
Block 4084, Lot 12
Build it Back ID: **APP-001589**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 110 feet of frontage along Topping Street and 6820 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-808-A**
PREMISES: **694 Seaver Avenue, Staten Island**
Block 3832, Lot 12
Build it Back ID: **APP-003761**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Seaver Avenue and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-809-A**
PREMISES: **8 Iroquois Street, Staten Island**
Block 3860, Lot 12
Build it Back ID: **APP-006230**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 34 feet of frontage along Iroquois Street and 2040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-810-A**
PREMISES: **15 Cherokee Street, Staten Island**
Block 3843, Lot 13
Build it Back ID: **APP-025416**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Cherokee Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-811-A**
PREMISES: **17 Cedar Grove Court, Staten Island**
Block 4089, Lot 13
Build it Back ID: **APP-005462**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2810 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-812-A**
PREMISES: **41 Milbank Road, Staten Island**
Block 4091, Lot 13
Build it Back ID: **APP-006338**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Milbank Road and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-813-A**
PREMISES: **47 Seafoam Street, Staten Island**
Block 4080, Lot 13
Build it Back ID: **APP-017498**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-814-A**
PREMISES: **49 Center Place, Staten Island**
Block 4083, Lot 13
Build it Back ID: **APP-006033**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-815-A**
PREMISES: **49 Maple Terrace, Staten Island**
Block 4082, Lot 13
Build it Back ID: **APP-002073**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1660 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-816-A**
PREMISES: **20 Iona Street, Staten Island**
Block 3847, Lot 14
Build it Back ID: **APP-009764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Iona Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-817-A**
PREMISES: **28 Neutral Avenue, Staten Island**
Block 4093, Lot 14
Build it Back ID: **APP-003398**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 80 feet of frontage along Neutral Avenue and 4640 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-818-A**
PREMISES: **39 Milbank Road, Staten Island**
Block 4091, Lot 14
Build it Back ID: **APP-019765**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Milbank Road and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-819-A**
PREMISES: **43 Seafoam Street, Staten Island**
Block 4080, Lot 14
Build it Back ID: **APP-008566**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-820-A**
PREMISES: **45 Neptune Street, Staten Island**
Block 4078, Lot 14
Build it Back ID: **APP-005489**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-821-A**
PREMISES: **47 Wavecrest Street, Staten Island**
Block 4081, Lot 14
Build it Back ID: **APP-007861**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Wavecrest Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-822-A**
PREMISES: **14 Sioux Street, Staten Island**
Block 3850, Lot 15
Build it Back ID: **APP-000554**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-823-A**
PREMISES: **16 Jason Court, Staten Island**
Block 3871, Lot 15
Build it Back ID: **APP-001683**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jason Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 17 feet of frontage along Jason Court and 1750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-824-A**
PREMISES: **23 Cedar Grove Court, Staten Island**
Block 4089, Lot 15
Build it Back ID: **APP-005080**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2810 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-825-A**
PREMISES: **37 Milbank Road, Staten Island**
Block 4091, Lot 15
Build it Back ID: **APP-009924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Milbank Road and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-826-A**
PREMISES: **40 Sioux Street, Staten Island**
Block 3846, Lot 15
Build it Back ID: **APP-000350**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Sioux Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-827-A**
PREMISES: **43 Neutral Avenue, Staten Island**
Block 4092, Lot 15
Build it Back ID: **APP-020790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-828-A**
PREMISES: **47 Center Place, Staten Island**
Block 4083, Lot 15
Build it Back ID: **APP-010898**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place partially within an R3X zoning district and partially within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-829-A**
PREMISES: **753 Quincy Avenue, Staten Island**
Block 3826, Lot 15
Build it Back ID: **APP-002317**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Quincy Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Quincy Avenue and 1980 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-830-A**
PREMISES: **12 Sioux Street, Staten Island**
Block 3850, Lot 16
Build it Back ID: **APP-013766**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-831-A**
PREMISES: **18 Jason Court, Staten Island**
Block 3871, Lot 16
Build it Back ID: **APP-006107**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jason Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 17 feet of frontage along Jason Court and 1750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-832-A**
PREMISES: **41 Neptune Street, Staten Island**
Block 4078, Lot 16
Build it Back ID: **APP-024718**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-833-A**
PREMISES: **41 Seafoam Street, Staten Island**
Block 4080, Lot 16
Build it Back ID: **APP-004201**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Seafoam Street and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-834-A**
PREMISES: **43 Topping Street, Staten Island**
Block 4084, Lot 16
Build it Back ID: **APP-011345**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-835-A**
PREMISES: **45 Maple Terrace, Staten Island**
Block 4082, Lot 16
Build it Back ID: **APP-007041**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1660 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-836-A**
PREMISES: **100 Shelley Avenue, Staten Island**
Block 2632, Lot 17
Build it Back ID: **APP-019052**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Shelley Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 100 feet of frontage along Shelley Avenue and 12500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-837-A**
PREMISES: **39 Neptune Street, Staten Island**
Block 4078, Lot 17
Build it Back ID: **APP-002022**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-838-A**
PREMISES: **41 Center Place, Staten Island**
Block 4083, Lot 17
Build it Back ID: **APP-025575**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-839-A**
PREMISES: **43 Maple Terrace, Staten Island**
Block 4082, Lot 17
Build it Back ID: **APP-011570**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Maple Terrace and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-840-A**
PREMISES: **10 Sioux Street, Staten Island**
Block 3850, Lot 18
Build it Back ID: **APP-021626**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sioux Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Sioux Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-841-A**
PREMISES: **29 Cedar Grove Court, Staten Island**
Block 4089, Lot 18
Build it Back ID: **APP-001457**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2810 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-842-A**
PREMISES: **35 Seafoam Street, Staten Island**
Block 4080, Lot 18
Build it Back ID: **APP-007304**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-843-A**
PREMISES: **35 Topping Street, Staten Island**
Block 4084, Lot 18
Build it Back ID: **APP-008525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 100 feet of frontage along Topping Street and 6200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-844-A**
PREMISES: **36 Neutral Avenue, Staten Island**
Block 4093, Lot 18
Build it Back ID: **APP-020746**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-845-A**
PREMISES: **37 Neptune Street, Staten Island**
Block 4078, Lot 18
Build it Back ID: **APP-011514**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-846-A**
PREMISES: **37 Neutral Avenue, Staten Island**
Block 4092, Lot 18
Build it Back ID: **APP-016785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-847-A**
PREMISES: **39 Wavecrest Street, Staten Island**
Block 4081, Lot 18
Build it Back ID: **APP-012571**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 28 feet of frontage along Wavecrest Street and 1680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-848-A**
PREMISES: **23 Cherokee Street, Staten Island**
Block 3843, Lot 19
Build it Back ID: **APP-013543**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-849-A**
PREMISES: **37 Maple Terrace, Staten Island**
Block 4082, Lot 19
Build it Back ID: **APP-003146**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Maple Terrace and 3040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-850-A**
PREMISES: **33 Neptune Street, Staten Island**
Block 4078, Lot 20
Build it Back ID: **APP-025185**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-851-A**
PREMISES: **33 Seafoam Street, Staten Island**
Block 4080, Lot 20
Build it Back ID: **APP-005983**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-852-A**
PREMISES: **37 Wavecrest Street, Staten Island**
Block 4081, Lot 20
Build it Back ID: **APP-005749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 28 feet of frontage along Wavecrest Street and 1680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-853-A**
PREMISES: **40 Neutral Avenue, Staten Island**
Block 4093, Lot 20
Build it Back ID: **APP-020747**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-854-A**
PREMISES: **669 Seaver Avenue, Staten Island**
Block 3825, Lot 20
Build it Back ID: **APP-017474**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seaver Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-855-A**
PREMISES: **135 Beachview Avenue, Staten Island**
Block 3725, Lot 21
Build it Back ID: **APP-023424**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-856-A**
PREMISES: **25 Milbank Road, Staten Island**
Block 4091, Lot 21
Build it Back ID: **APP-021612**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-857-A**
PREMISES: **3 Iroquois Street, Staten Island**
Block 3859, Lot 21
Build it Back ID: **APP-000640**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 36 feet of frontage along Iroquois Street and 1440 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-858-A**
PREMISES: **33 Neutral Avenue, Staten Island**
Block 4092, Lot 21
Build it Back ID: **APP-019521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-859-A**
PREMISES: **35 Center Place, Staten Island**
Block 4083, Lot 21
Build it Back ID: **APP-016783**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-860-A**
PREMISES: **35 Maple Terrace, Staten Island**
Block 4082, Lot 21
Build it Back ID: **APP-014417**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-861-A**
PREMISES: **659 Seaver Avenue, Staten Island**
Block 3825, Lot 21
Build it Back ID: **APP-024640**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 90 feet of frontage along Seaver Avenue and 5400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-862-A**
PREMISES: **663 Seaver Avenue, Staten Island**
Block 3825, Lot 21
Build it Back ID: **APP-024641**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 90 feet of frontage along Seaver Avenue and 5400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-863-A**
PREMISES: **12 Iona Street, Staten Island**
Block 3847, Lot 22
Build it Back ID: **APP-016625**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iona Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-864-A**
PREMISES: **133 Beachview Avenue, Staten Island**
Block 3725, Lot 22
Build it Back ID: **APP-013651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-865-A**
PREMISES: **163 Cannon Avenue, Staten Island**
Block 2776, Lot 22
Build it Back ID: **APP-014835**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cannon Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 18 feet of frontage along Cannon Avenue and 1818 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-866-A**
PREMISES: **25 Seafoam Street, Staten Island**
Block 4080, Lot 22
Build it Back ID: **APP-005798**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seafoam Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-867-A**
PREMISES: **39 Cedar Grove Court, Staten Island**
Block 4089, Lot 22
Build it Back ID: **APP-006318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2810 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-868-A**
PREMISES: **44 Neutral Avenue, Staten Island**
Block 4093, Lot 22
Build it Back ID: **APP-016737**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neutral Avenue and 2320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-869-A**
PREMISES: **710 Quincy Avenue, Staten Island**
Block 3830, Lot 22
Build it Back ID: **APP-014156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Quincy Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Quincy Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-870-A**
PREMISES: **131 Beachview Avenue, Staten Island**
Block 3725, Lot 23
Build it Back ID: **APP-013769**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-871-A**
PREMISES: **23 Milbank Road, Staten Island**
Block 4091, Lot 23
Build it Back ID: **APP-014172**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-872-A**
PREMISES: **29 Neutral Avenue, Staten Island**
Block 4092, Lot 23
Build it Back ID: **APP-003794**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neutral Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-873-A**
PREMISES: **31 Center Place, Staten Island**
Block 4083, Lot 23
Build it Back ID: **APP-003486**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-874-A**
PREMISES: **9 Iroquois Street, Staten Island**
Block 3859, Lot 23
Build it Back ID: **APP-002044**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iroquois Street and 2190 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-875-A**
PREMISES: **23 Seafoam Street, Staten Island**
Block 4080, Lot 24
Build it Back ID: **APP-005817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Seafoam Street and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-876-A**
PREMISES: **23 Waterside Street, Staten Island**
Block 4079, Lot 24
Build it Back ID: **APP-022131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-877-A**
PREMISES: **27 Neutral Avenue, Staten Island**
Block 4092, Lot 24
Build it Back ID: **APP-020406**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Neutral Avenue and 1320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-878-A**
PREMISES: **29 Center Place, Staten Island**
Block 4083, Lot 24
Build it Back ID: **APP-020592**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-879-A**
PREMISES: **701 Seaver Avenue, Staten Island**
Block 3831, Lot 24
Build it Back ID: **APP-015293**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seaver Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-880-A**
PREMISES: **706 Quincy Avenue, Staten Island**
Block 3830, Lot 24
Build it Back ID: **APP-002230**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Quincy Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Quincy Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-881-A**
PREMISES: **708 Quincy Avenue, Staten Island**
Block 3830, Lot 24
Build it Back ID: **APP-013649**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Quincy Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Quincy Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-882-A**
PREMISES: **21 Milbank Road, Staten Island**
Block 4091, Lot 25
Build it Back ID: **APP-002280**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-883-A**
PREMISES: **25 Neutral Avenue, Staten Island**
Block 4092, Lot 25
Build it Back ID: **APP-023797**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neutral Avenue and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-884-A**
PREMISES: **27 Center Place, Staten Island**
Block 4083, Lot 25
Build it Back ID: **APP-012290**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-885-A**
PREMISES: **27 Maple Terrace, Staten Island**
Block 4082, Lot 25
Build it Back ID: **APP-012058**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1380 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-886-A**
PREMISES: **664 Hunter Avenue, Staten Island**
Block 3871, Lot 25
Build it Back ID: **APP-016227**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hunter Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Hunter Avenue and 2340 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-887-A**
PREMISES: **15 Garibaldi Avenue, Staten Island**
Block 4086, Lot 26
Build it Back ID: **APP-006538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Garibaldi Avenue and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-888-A**
PREMISES: **19 Waterside Street, Staten Island**
Block 4079, Lot 26
Build it Back ID: **APP-003673**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-889-A**
PREMISES: **21 Seafoam Street, Staten Island**
Block 4080, Lot 26
Build it Back ID: **APP-009416**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-890-A**
PREMISES: **23 Center Place, Staten Island**
Block 4083, Lot 26
Build it Back ID: **APP-007504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Center Place and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-892-A**
PREMISES: **25 Maple Terrace, Staten Island**
Block 4082, Lot 26
Build it Back ID: **APP-000711**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-893-A**
PREMISES: **26 Stacey Lane, Staten Island**
Block 3691, Lot 26
Build it Back ID: **APP-002819**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Stacey Lane and 2208 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-894-A**
PREMISES: **28 Wavecrest Street, Staten Island**
Block 4081, Lot 26
Build it Back ID: **APP-011501**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Wavecrest Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-895-A**
PREMISES: **49 Cedar Grove Court, Staten Island**
Block 4089, Lot 26
Build it Back ID: **APP-012667**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-896-A**
PREMISES: **54 Neutral Avenue, Staten Island**
Block 4093, Lot 26
Build it Back ID: **APP-000361**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 70 feet of frontage along Neutral Avenue and 4060 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-897-A**
PREMISES: **149 Cannon Avenue, Staten Island**
Block 2776, Lot 27
Build it Back ID: **APP-003365**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cannon Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 63 feet of frontage along Cannon Avenue and 5224 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-899-A**
PREMISES: **23 Maple Terrace, Staten Island**
Block 4082, Lot 27
Build it Back ID: **APP-014886**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1340 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-900-A**
PREMISES: **25 Wavecrest Street, Staten Island**
Block 4081, Lot 27
Build it Back ID: **APP-006849**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Wavecrest Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-901-A**
PREMISES: **53 Cedar Grove Court, Staten Island**
Block 4089, Lot 27
Build it Back ID: **APP-003189**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-902-A**
PREMISES: **693 Seaver Avenue, Staten Island**
Block 3831, Lot 27
Build it Back ID: **APP-016957**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seaver Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-903-A**
PREMISES: **11 Iona Street, Staten Island**
Block 3832, Lot 28
Build it Back ID: **APP-000677**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Iona Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-904-A**
PREMISES: **15 Waterside Street, Staten Island**
Block 4079, Lot 28
Build it Back ID: **APP-007910**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-905-A**
PREMISES: **19 Iroquois Street, Staten Island**
Block 3859, Lot 28
Build it Back ID: **APP-005160**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iroquois Street and 2040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-906-A**
PREMISES: **19 Neptune Street, Staten Island**
Block 4078, Lot 28
Build it Back ID: **APP-025490**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neptune Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-907-A**
PREMISES: **21 Center Place, Staten Island**
Block 4083, Lot 28
Build it Back ID: **APP-015054**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Center Place and 3100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-908-A**
PREMISES: **21 Topping Street, Staten Island**
Block 4084, Lot 28
Build it Back ID: **APP-017902**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Topping Street and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-909-A**
PREMISES: **28 Stacey Lane, Staten Island**
Block 3691, Lot 28
Build it Back ID: **APP-011486**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Stacey Lane and 2208 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-910-A**
PREMISES: **55 Cedar Grove Court, Staten Island**
Block 4089, Lot 28
Build it Back ID: **APP-013517**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-911-A**
PREMISES: **19 Neutral Avenue, Staten Island**
Block 4092, Lot 29
Build it Back ID: **APP-019969**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neutral Avenue and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-912-A**
PREMISES: **21 Wavecrest Street, Staten Island**
Block 4081, Lot 29
Build it Back ID: **APP-002980**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Wavecrest Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-913-A**
PREMISES: **11 Seafoam Street, Staten Island**
Block 4080, Lot 30
Build it Back ID: **APP-009339**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-914-A**
PREMISES: **11 Waterside Street, Staten Island**
Block 4079, Lot 30
Build it Back ID: **APP-016655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-915-A**
PREMISES: **17 Maple Terrace, Staten Island**
Block 4082, Lot 30
Build it Back ID: **APP-010394**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-916-A**
PREMISES: **17 Topping Street, Staten Island**
Block 4084, Lot 30
Build it Back ID: **APP-009877**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 70 feet of frontage along Topping Street and 4340 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-917-A**
PREMISES: **21 Iroquois Street, Staten Island**
Block 3859, Lot 30
Build it Back ID: **APP-008087**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iroquois Street and 1950 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-918-A**
PREMISES: **58 Neutral Avenue, Staten Island**
Block 4093, Lot 30
Build it Back ID: **APP-013733**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Neutral Avenue and 3480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-919-A**
PREMISES: **59 Cedar Grove Court, Staten Island**
Block 4089, Lot 30
Build it Back ID: **APP-000310**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-920-A**
PREMISES: **101 Beachview Avenue, Staten Island**
Block 3724, Lot 31
Build it Back ID: **APP-011448**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-921-A**
PREMISES: **117 Moreland Street, Staten Island**
Block 3729, Lot 31
Build it Back ID: **APP-007645**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Moreland Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Moreland Street and 2197 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-922-A**
PREMISES: **15 Center Place, Staten Island**
Block 4083, Lot 31
Build it Back ID: **APP-020517**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-923-A**
PREMISES: **17 Wavecrest Street, Staten Island**
Block 4081, Lot 31
Build it Back ID: **APP-006406**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Wavecrest Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-924-A**
PREMISES: **687 Seaver Avenue, Staten Island**
Block 3831, Lot 31
Build it Back ID: **APP-002314**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Seaver Avenue and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-925-A**
PREMISES: **13 Maple Terrace, Staten Island**
Block 4082, Lot 32
Build it Back ID: **APP-006389**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1830 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-926-A**
PREMISES: **17 Iona Street, Staten Island**
Block 3832, Lot 32
Build it Back ID: **APP-003401**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Iona Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-927-A**
PREMISES: **3 Waterside Street, Staten Island**
Block 4079, Lot 32
Build it Back ID: **APP-015116**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Waterside Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-928-A**
PREMISES: **7 Neutral Avenue, Staten Island**
Block 4092, Lot 32
Build it Back ID: **APP-013957**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Neutral Avenue and 1560 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-929-A**
PREMISES: **99 Beachview Avenue, Staten Island**
Block 3724, Lot 32
Build it Back ID: **APP-003409**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-930-A**
PREMISES: **1 Milbank Road, Staten Island**
Block 4091, Lot 33
Build it Back ID: **APP-000159**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Milbank Road and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-931-A**
PREMISES: **11 Wavecrest Street, Staten Island**
Block 4081, Lot 33
Build it Back ID: **APP-001993**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Wavecrest Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-932-A**
PREMISES: **13 Center Place, Staten Island**
Block 4083, Lot 33
Build it Back ID: **APP-006003**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-933-A**
PREMISES: **260 Melvin Avenue, Staten Island**
Block 2641, Lot 33
Build it Back ID: **APP-019216**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Melvin Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Melvin Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-934-A**
PREMISES: **97 Beachview Avenue, Staten Island**
Block 3724, Lot 33
Build it Back ID: **APP-006270**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Beachview Avenue and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-935-A**
PREMISES: **21 Iona Street, Staten Island**
Block 3832, Lot 34
Build it Back ID: **APP-005906**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iona Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-936-A**
PREMISES: **5 Neutral Avenue, Staten Island**
Block 4092, Lot 34
Build it Back ID: **APP-011207**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 29 feet of frontage along Neutral Avenue and 1830 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-937-A**
PREMISES: **7 Neptune Street, Staten Island**
Block 4078, Lot 34
Build it Back ID: **APP-002935**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-938-A**
PREMISES: **95 Beachview Avenue, Staten Island**
Block 3724, Lot 34
Build it Back ID: **APP-012235**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beachview Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Beachview Avenue and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-939-A**
PREMISES: **1 Neutral Avenue, Staten Island**
Block 4092, Lot 35
Build it Back ID: **APP-025813**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neutral Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 34 feet of frontage along Neutral Avenue and 1950 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-940-A**
PREMISES: **1 Waterside Street, Staten Island**
Block 4079, Lot 35
Build it Back ID: **APP-004670**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Waterside Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-941-A**
PREMISES: **3 Maple Terrace, Staten Island**
Block 4082, Lot 35
Build it Back ID: **APP-016280**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 80 feet of frontage along Maple Terrace and 4640 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-942-A**
PREMISES: **71 Cedar Grove Court, Staten Island**
Block 4089, Lot 35
Build it Back ID: **APP-022494**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-943-A**
PREMISES: **1 Neptune Street, Staten Island**
Block 4078, Lot 36
Build it Back ID: **APP-003570**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-944-A**
PREMISES: **1 Seafoam Street, Staten Island**
Block 4080, Lot 36
Build it Back ID: **APP-011426**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-945-A**
PREMISES: **266 Melvin Avenue, Staten Island**
Block 2641, Lot 36
Build it Back ID: **APP-018039**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Melvin Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Melvin Avenue and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-946-A**
PREMISES: **679 Seaver Avenue, Staten Island**
Block 3831, Lot 36
Build it Back ID: **APP-023769**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 32 feet of frontage along Seaver Avenue and 1920 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-947-A**
PREMISES: **7 Center Place, Staten Island**
Block 4083, Lot 36
Build it Back ID: **APP-003437**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-948-A**
PREMISES: **9 Topping Street, Staten Island**
Block 4084, Lot 36
Build it Back ID: **APP-019178**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Topping Street and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-949-A**
PREMISES: **2 Waterside Street, Staten Island**
Block 4080, Lot 37
Build it Back ID: **APP-001101**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-950-A**
PREMISES: **5 Topping Street, Staten Island**
Block 4084, Lot 37
Build it Back ID: **APP-018835**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-951-A**
PREMISES: **5 Wavecrest Street, Staten Island**
Block 4081, Lot 37
Build it Back ID: **APP-000251**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Wavecrest Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-952-A**
PREMISES: **1 Center Place, Staten Island**
Block 4083, Lot 38
Build it Back ID: **APP-003680**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-953-A**
PREMISES: **677 Seaver Avenue, Staten Island**
Block 3831, Lot 38
Build it Back ID: **APP-004599**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaver Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Seaver Avenue and 1440 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-954-A**
PREMISES: **7 Nugent Court, Staten Island**
Block 3717, Lot 38
Build it Back ID: **APP-019774**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nugent Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Nugent Court and 1316 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-955-A**
PREMISES: **3 Topping Street, Staten Island**
Block 4084, Lot 39
Build it Back ID: **APP-021388**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-956-A**
PREMISES: **8 Neptune Street, Staten Island**
Block 4079, Lot 39
Build it Back ID: **APP-003510**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-957-A**
PREMISES: **9 Nugent Court, Staten Island**
Block 3717, Lot 39
Build it Back ID: **APP-012858**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nugent Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Nugent Court and 2046 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-958-A**
PREMISES: **10 Waterside Street, Staten Island**
Block 4080, Lot 40
Build it Back ID: **APP-014944**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Waterside Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-959-A**
PREMISES: **2 Seafoam Street, Staten Island**
Block 4081, Lot 40
Build it Back ID: **APP-012627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 2546 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-960-A**
PREMISES: **2 Topping Street, Staten Island**
Block 4085, Lot 40
Build it Back ID: **APP-000940**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-961-A**
PREMISES: **29 Iona Street, Staten Island**
Block 3832, Lot 40
Build it Back ID: **APP-020718**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iona Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Iona Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-962-A**
PREMISES: **4 Maple Terrace, Staten Island**
Block 4083, Lot 40
Build it Back ID: **APP-001685**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Maple Terrace and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-963-A**
PREMISES: **41 Stacey Lane, Staten Island**
Block 3691, Lot 40
Build it Back ID: **APP-010593**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Stacey Lane and 2548 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-964-A**
PREMISES: **5 Cherokee Street, Staten Island**
Block 3847, Lot 40
Build it Back ID: **APP-004447**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-965-A**
PREMISES: **12 Neptune Street, Staten Island**
Block 4079, Lot 41
Build it Back ID: **APP-020134**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neptune Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-966-A**
PREMISES: **3 Wavecrest Street, Staten Island**
Block 4081, Lot 41
Build it Back ID: **APP-008394**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wavecrest Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Wavecrest Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-967-A**
PREMISES: **85 Cedar Grove Court, Staten Island**
Block 4089, Lot 41
Build it Back ID: **APP-018851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-968-A**
PREMISES: **5A Cherokee Street, Staten Island**
Block 3847, Lot 42
Build it Back ID: **APP-025450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-970-A**
PREMISES: **87 Cedar Grove Court, Staten Island**
Block 4089, Lot 42
Build it Back ID: **APP-015307**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2423 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-971-A**
PREMISES: **16 Neptune Street, Staten Island**
Block 4079, Lot 43
Build it Back ID: **APP-014306**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Neptune Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-972-A**
PREMISES: **10 Seafoam Street, Staten Island**
Block 4081, Lot 44
Build it Back ID: **APP-002076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-973-A**
PREMISES: **35 Stacey Lane, Staten Island**
Block 3691, Lot 44
Build it Back ID: **APP-009706**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Stacey Lane and 2256 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-974-A**
PREMISES: **7 Cherokee Street, Staten Island**
Block 3847, Lot 44
Build it Back ID: **APP-015030**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-975-A**
PREMISES: **8 Center Place, Staten Island**
Block 4084, Lot 44
Build it Back ID: **APP-015535**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-976-A**
PREMISES: **16 Garibaldi Avenue, Staten Island**
Block 4087, Lot 45
Build it Back ID: **APP-004655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Garibaldi Avenue and 2740 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-977-A**
PREMISES: **9 Cherokee Street, Staten Island**
Block 3847, Lot 45
Build it Back ID: **APP-021272**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-978-A**
PREMISES: **12 Center Place, Staten Island**
Block 4084, Lot 46
Build it Back ID: **APP-000254**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-979-A**
PREMISES: **14 Maple Terrace, Staten Island**
Block 4083, Lot 46
Build it Back ID: **APP-006537**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-980-A**
PREMISES: **14 Seafoam Street, Staten Island**
Block 4081, Lot 46
Build it Back ID: **APP-007365**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-981-A**
PREMISES: **16 Topping Street, Staten Island**
Block 4085, Lot 46
Build it Back ID: **APP-021446**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-982-A**
PREMISES: **18 Garibaldi Avenue, Staten Island**
Block 4087, Lot 46
Build it Back ID: **APP-002291**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Garibaldi Avenue and 5360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-983-A**
PREMISES: **20 Waterside Street, Staten Island**
Block 4080, Lot 46
Build it Back ID: **APP-022399**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Waterside Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-984-A**
PREMISES: **26 Neptune Street, Staten Island**
Block 4079, Lot 46
Build it Back ID: **APP-000021**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-985-A**
PREMISES: **97 Cedar Grove Court, Staten Island**
Block 4089, Lot 46
Build it Back ID: **APP-007945**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2465 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-986-A**
PREMISES: **11 Cherokee Street, Staten Island**
Block 3847, Lot 47
Build it Back ID: **APP-005579**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cherokee Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Cherokee Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-987-A**
PREMISES: **4 Milbank Road, Staten Island**
Block 4092, Lot 47
Build it Back ID: **APP-008266**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Milbank Road and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-988-A**
PREMISES: **18 Maple Terrace, Staten Island**
Block 4083, Lot 48
Build it Back ID: **APP-006113**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-989-A**
PREMISES: **22 Garibaldi Avenue, Staten Island**
Block 4087, Lot 48
Build it Back ID: **APP-006089**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Garibaldi Avenue and 5360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-990-A**
PREMISES: **28 Neptune Street, Staten Island**
Block 4079, Lot 48
Build it Back ID: **APP-013478**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-991-A**
PREMISES: **6 Milbank Road, Staten Island**
Block 4092, Lot 48
Build it Back ID: **APP-017765**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-992-A**
PREMISES: **18 Center Place, Staten Island**
Block 4084, Lot 49
Build it Back ID: **APP-008384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Center Place and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-993-A**
PREMISES: **18 Seafoam Street, Staten Island**
Block 4081, Lot 49
Build it Back ID: **APP-006829**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seafoam Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-994-A**
PREMISES: **105 Cedar Grove Court, Staten Island**
Block 4089, Lot 50
Build it Back ID: **APP-008060**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2410 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-995-A**
PREMISES: **22 Maple Terrace, Staten Island**
Block 4083, Lot 50
Build it Back ID: **APP-017328**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Maple Terrace and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-996-A**
PREMISES: **22 Topping Street, Staten Island**
Block 4085, Lot 50
Build it Back ID: **APP-023853**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Topping Street and 1550 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-997-A**
PREMISES: **24 Seafoam Street, Staten Island**
Block 4081, Lot 50
Build it Back ID: **APP-002863**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-998-A**
PREMISES: **30 Neptune Street, Staten Island**
Block 4079, Lot 50
Build it Back ID: **APP-018237**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-999-A**
PREMISES: **107 Cedar Grove Court, Staten Island**
Block 4089, Lot 51
Build it Back ID: **APP-006614**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2417 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1000-A**
PREMISES: **28 Garibaldi Avenue, Staten Island**
Block 4087, Lot 51
Build it Back ID: **APP-012564**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Garibaldi Avenue and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1001-A**
PREMISES: **34 Waterside Street, Staten Island**
Block 4080, Lot 51
Build it Back ID: **APP-002997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 70 feet of frontage along Waterside Street and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1002-A**
PREMISES: **764 New Dorp Lane, Staten Island**
Block 4078, Lot 51
Build it Back ID: **APP-015532**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on New Dorp Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 23 feet of frontage along New Dorp Lane and 2761 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1003-A**
PREMISES: **111 Cedar Grove Court, Staten Island**
Block 4089, Lot 52
Build it Back ID: **APP-012952**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2437 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1004-A**
PREMISES: **23 Stacey Lane, Staten Island**
Block 3691, Lot 52
Build it Back ID: **APP-023015**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Stacey Lane and 2221 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1005-A**
PREMISES: **26 Seafoam Street, Staten Island**
Block 4081, Lot 52
Build it Back ID: **APP-000796**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seafoam Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1006-A**
PREMISES: **30 Garibaldi Avenue, Staten Island**
Block 4087, Lot 52
Build it Back ID: **APP-009721**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 75 feet of frontage along Garibaldi Avenue and 9300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1007-A**
PREMISES: **766 New Dorp Lane, Staten Island**
Block 4078, Lot 52
Build it Back ID: **APP-003826**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on New Dorp Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along New Dorp Lane and 1680 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1008-A**
PREMISES: **16 Milbank Road, Staten Island**
Block 4092, Lot 53
Build it Back ID: **APP-002931**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Milbank Road and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1009-A**
PREMISES: **26 Center Place, Staten Island**
Block 4084, Lot 53
Build it Back ID: **APP-015265**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1011-A**
PREMISES: **117 Cedar Grove Court, Staten Island**
Block 4089, Lot 54
Build it Back ID: **APP-001254**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court partially within an R3-2 zoning district and partially within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 27 feet of frontage along Cedar Grove Court and 3340 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1012-A**
PREMISES: **18 Milbank Road, Staten Island**
Block 4092, Lot 54
Build it Back ID: **APP-013357**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1013-A**
PREMISES: **21 Stacey Lane, Staten Island**
Block 3691, Lot 54
Build it Back ID: **APP-004926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Stacey Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Stacey Lane and 2136 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1014-A**
PREMISES: **28 Maple Terrace, Staten Island**
Block 4083, Lot 54
Build it Back ID: **APP-003101**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1015-A**
PREMISES: **30 Seafoam Street, Staten Island**
Block 4081, Lot 54
Build it Back ID: **APP-011723**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Seafoam Street and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1016-A**
PREMISES: **38 Neptune Street, Staten Island**
Block 4079, Lot 54
Build it Back ID: **APP-022755**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1017-A**
PREMISES: **768 New Dorp Lane, Staten Island**
Block 4078, Lot 54
Build it Back ID: **APP-002262**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on New Dorp Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 23 feet of frontage along New Dorp Lane and 2760 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1018-A**
PREMISES: **15 Rawson Place, Staten Island**
Block 2632, Lot 55
Build it Back ID: **APP-006079**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rawson Place within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 75 feet of frontage along Rawson Place and 7500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1019-A**
PREMISES: **22 Jason Court, Staten Island**
Block 3871, Lot 55
Build it Back ID: **APP-002556**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jason Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 17 feet of frontage along Jason Court and 1451 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1020-A**
PREMISES: **30 Center Place, Staten Island**
Block 4084, Lot 55
Build it Back ID: **APP-016780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Center Place and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1021-A**
PREMISES: **32 Maple Terrace, Staten Island**
Block 4083, Lot 55
Build it Back ID: **APP-005256**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1022-A**
PREMISES: **40 Neptune Street, Staten Island**
Block 4079, Lot 55
Build it Back ID: **APP-021095**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Neptune Street and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1023-A**
PREMISES: **129 Cedar Grove Court, Staten Island**
Block 4089, Lot 56
Build it Back ID: **APP-019275**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1024-A**
PREMISES: **22 Milbank Road, Staten Island**
Block 4092, Lot 56
Build it Back ID: **APP-023951**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1025-A**
PREMISES: **24 Jason Court, Staten Island**
Block 3871, Lot 56
Build it Back ID: **APP-000857**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jason Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 39 feet of frontage along Jason Court and 3301 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1026-A**
PREMISES: **34 Center Place, Staten Island**
Block 4084, Lot 56
Build it Back ID: **APP-016779**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Center Place and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1027-A**
PREMISES: **42 Garibaldi Avenue, Staten Island**
Block 4087, Lot 56
Build it Back ID: **APP-011497**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 32 feet of frontage along Garibaldi Avenue and 3876 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1028-A**
PREMISES: **42 Neptune Street, Staten Island**
Block 4079, Lot 56
Build it Back ID: **APP-013541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Neptune Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1029-A**
PREMISES: **133 Cedar Grove Court, Staten Island**
Block 4089, Lot 57
Build it Back ID: **APP-007373**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1030-A**
PREMISES: **26 Jason Court, Staten Island**
Block 3871, Lot 57
Build it Back ID: **APP-008373**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jason Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Jason Court and 2855 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1031-A**
PREMISES: **34 Maple Terrace, Staten Island**
Block 4083, Lot 57
Build it Back ID: **APP-020519**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1032-A**
PREMISES: **34 Seafoam Street, Staten Island**
Block 4081, Lot 57
Build it Back ID: **APP-017004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1033-A**
PREMISES: **38 Topping Street, Staten Island**
Block 4085, Lot 57
Build it Back ID: **APP-007348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1034-A**
PREMISES: **26 Milbank Road, Staten Island**
Block 4092, Lot 58
Build it Back ID: **APP-025038**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1035-A**
PREMISES: **36 Center Place, Staten Island**
Block 4084, Lot 58
Build it Back ID: **APP-011523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1036-A**
PREMISES: **36 Maple Terrace, Staten Island**
Block 4083, Lot 58
Build it Back ID: **APP-012332**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Maple Terrace and 1240 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1037-A**
PREMISES: **40 Seafoam Street, Staten Island**
Block 4081, Lot 58
Build it Back ID: **APP-009482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Seafoam Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1038-A**
PREMISES: **40 Topping Street, Staten Island**
Block 4085, Lot 59
Build it Back ID: **APP-000352**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Topping Street and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1039-A**
PREMISES: **44 Maple Terrace, Staten Island**
Block 4083, Lot 59
Build it Back ID: **APP-010383**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace partially within an R3X zoning district and partially within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 110 feet of frontage along Maple Terrace and 6820 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1040-A**
PREMISES: **48 Neptune Street, Staten Island**
Block 4079, Lot 59
Build it Back ID: **APP-017771**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Neptune Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1041-A**
PREMISES: **30 Milbank Road, Staten Island**
Block 4092, Lot 60
Build it Back ID: **APP-000339**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1042-A**
PREMISES: **40 Center Place, Staten Island**
Block 4084, Lot 60
Build it Back ID: **APP-009137**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1043-A**
PREMISES: **42 Seafoam Street, Staten Island**
Block 4081, Lot 61
Build it Back ID: **APP-005667**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1044-A**
PREMISES: **42 Topping Street, Staten Island**
Block 4085, Lot 61
Build it Back ID: **APP-018465**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Topping Street and 3720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1045-A**
PREMISES: **141 Cedar Grove Court, Staten Island**
Block 4089, Lot 62
Build it Back ID: **APP-005194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1046-A**
PREMISES: **32 Milbank Road, Staten Island**
Block 4092, Lot 62
Build it Back ID: **APP-008009**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1047-A**
PREMISES: **44 Seafoam Street, Staten Island**
Block 4081, Lot 62
Build it Back ID: **APP-003700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1048-A**
PREMISES: **50 Waterside Street, Staten Island**
Block 4080, Lot 62
Build it Back ID: **APP-001145**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Waterside Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1049-A**
PREMISES: **46 Seafoam Street, Staten Island**
Block 4081, Lot 63
Build it Back ID: **APP-007401**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Seafoam Street and 1200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1050-A**
PREMISES: **60 Neptune Street, Staten Island**
Block 4079, Lot 63
Build it Back ID: **APP-001962**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Neptune Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Neptune Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1051-A**
PREMISES: **48 Topping Street, Staten Island**
Block 4085, Lot 64
Build it Back ID: **APP-009008**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Topping Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Topping Street and 3720 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1052-A**
PREMISES: **50 Garibaldi Avenue, Staten Island**
Block 4087, Lot 64
Build it Back ID: **APP-009242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 37 feet of frontage along Garibaldi Avenue and 4255 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1053-A**
PREMISES: **50 Seafoam Street, Staten Island**
Block 4081, Lot 64
Build it Back ID: **APP-011378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1054-A**
PREMISES: **54 Waterside Street, Staten Island**
Block 4080, Lot 64
Build it Back ID: **APP-024356**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Waterside Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Waterside Street and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1055-A**
PREMISES: **151 Cedar Grove Court, Staten Island**
Block 4089, Lot 65
Build it Back ID: **APP-003283**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1056-A**
PREMISES: **153 Cedar Grove Court, Staten Island**
Block 4089, Lot 66
Build it Back ID: **APP-024549**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 33 feet of frontage along Cedar Grove Court and 4620 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1057-A**
PREMISES: **40 Milbank Road, Staten Island**
Block 4092, Lot 66
Build it Back ID: **APP-011528**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Milbank Road and 1800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1058-A**
PREMISES: **54 Seafoam Street, Staten Island**
Block 4081, Lot 66
Build it Back ID: **APP-001569**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seafoam Street within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Seafoam Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1059-A**
PREMISES: **44 Milbank Road, Staten Island**
Block 4092, Lot 67
Build it Back ID: **APP-002350**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Milbank Road and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1060-A**
PREMISES: **161 Cedargrove Court, Staten Island**
Block 4089, Lot 68
Build it Back ID: **APP-014439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedargrove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedargrove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1061-A**
PREMISES: **56 Center Place, Staten Island**
Block 4084, Lot 68
Build it Back ID: **APP-022017**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Center Place and 2480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1063-A**
PREMISES: **60 Garibaldi Avenue, Staten Island**
Block 4087, Lot 68
Build it Back ID: **APP-024427**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Garibaldi Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Garibaldi Avenue and 4440 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1064-A**
PREMISES: **56 Maple Terrace, Staten Island**
Block 4083, Lot 69
Build it Back ID: **APP-025665**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1065-A**
PREMISES: **52 Milbank Road, Staten Island**
Block 4092, Lot 70
Build it Back ID: **APP-008189**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Milbank Road and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1066-A**
PREMISES: **58 Center Place, Staten Island**
Block 4084, Lot 70
Build it Back ID: **APP-007831**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Center Place within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Center Place and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1067-A**
PREMISES: **167 Cedar Grove Court, Staten Island**
Block 4089, Lot 71
Build it Back ID: **APP-009028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1068-A**
PREMISES: **62 Maple Terrace, Staten Island**
Block 4083, Lot 71
Build it Back ID: **APP-012704**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Maple Terrace within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Maple Terrace and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1069-A**
PREMISES: **62 Milbank Road, Staten Island**
Block 4092, Lot 72
Build it Back ID: **APP-023008**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Milbank Road within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Milbank Road and 3600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1070-A**
PREMISES: **173 Cedargrove Court, Staten Island**
Block 4089, Lot 73
Build it Back ID: **APP-003083**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedargrove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedargrove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1071-A**
PREMISES: **179 Cedar Grove Court, Staten Island**
Block 4089, Lot 76
Build it Back ID: **APP-011504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1072-A**
PREMISES: **53 Robin Road, Staten Island**
Block 3119, Lot 77
Build it Back ID: **APP-020169**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Robin Road within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Robin Road and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1073-A**
PREMISES: **189 Cedar Grove Court, Staten Island**
Block 4089, Lot 80
Build it Back ID: **APP-011384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1074-A**
PREMISES: **50 Meredith Avenue, Staten Island**
Block 2776, Lot 87
Build it Back ID: **APP-020067**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Meredith Avenue within an R3A zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Meredith Avenue and 2360 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1075-A**
PREMISES: **17 Crestwater Court, Staten Island**
Block 3491, Lot 97
Build it Back ID: **APP-024982**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Crestwater Court and 1075 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1076-A**
PREMISES: **19 Crestwater Court, Staten Island**
Block 3491, Lot 98
Build it Back ID: **APP-000479**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Crestwater Court and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1077-A**
PREMISES: **21 Crestwater Court, Staten Island**
Block 3491, Lot 99
Build it Back ID: **APP-018620**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Crestwater Court and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1078-A**
PREMISES: **23 Crestwater Court, Staten Island**
Block 3491, Lot 100
Build it Back ID: **APP-003343**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Crestwater Court and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1079-A**
PREMISES: **56 Seaside Lane, Staten Island**
Block 3124, Lot 105
Build it Back ID: **APP-022033**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaside Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Seaside Lane and 1839 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1080-A**
PREMISES: **45 Crestwater Court, Staten Island**
Block 3491, Lot 117
Build it Back ID: **APP-025105**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 27 feet of frontage along Crestwater Court and 1809 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1081-A**
PREMISES: **49 Crestwater Court, Staten Island**
Block 3491, Lot 119
Build it Back ID: **APP-003099**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Crestwater Court and 1035 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1082-A**
PREMISES: **5 Iroquois Street, Staten Island**
Block 3859, Lot 122
Build it Back ID: **APP-018528**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Iroquois Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 35 feet of frontage along Iroquois Street and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1083-A**
PREMISES: **155 Cannon Avenue, Staten Island**
Block 2776, Lot 124
Build it Back ID: **APP-021986**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cannon Avenue partially within an R3A zoning district and partially within an M1-1 zoning district, in Staten Island; and

WHEREAS, the site has 27 feet of frontage along Cannon Avenue and 3981 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1084-A**
PREMISES: **59 Crestwater Court, Staten Island**
Block 3491, Lot 124
Build it Back ID: **APP-001914**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crestwater Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 57 feet of frontage along Crestwater Court and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1085-A**
PREMISES: **3 Sunnymead Village, Staten Island**
Block 3122, Lot 161
Build it Back ID: **APP-000967**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymead Village partially within an R3-1 zoning district and partially within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymead Village and 2542 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1086-A**
PREMISES: **7 Sunnymeade Village, Staten Island**
Block 3122, Lot 163
Build it Back ID: **APP-020224**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Sunnymeade Village and 2132 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1087-A**
PREMISES: **9 Sunnymeade Village, Staten Island**
Block 3122, Lot 165
Build it Back ID: **APP-003094**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2542 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1088-A**
PREMISES: **13 Sunnymeade Village, Staten Island**
Block 3122, Lot 169
Build it Back ID: **APP-006066**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2542 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1089-A**
PREMISES: **15 Sunnymeade Village, Staten Island**
Block 3122, Lot 171
Build it Back ID: **APP-023808**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2542 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1090-A**
PREMISES: **17 Sunnymeade Village, Staten Island**
Block 3122, Lot 173
Build it Back ID: **APP-005041**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Sunnymeade Village and 2132 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1092-A**
PREMISES: **18 Sunnymeade Village, Staten Island**
Block 3122, Lot 218
Build it Back ID: **APP-010467**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Sunnymeade Village and 2366 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1093-A**
PREMISES: **16 Sunnymeade Village, Staten Island**
Block 3122, Lot 220
Build it Back ID: **APP-006575**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1094-A**
PREMISES: **14 Sunnymeade Village, Staten Island**
Block 3122, Lot 222
Build it Back ID: **APP-014702**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1095-A**
PREMISES: **12 Sunnymeade Village, Staten Island**
Block 3122, Lot 224
Build it Back ID: **APP-002928**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1096-A**
PREMISES: **10 Sunnymeade Village, Staten Island**
Block 3122, Lot 226
Build it Back ID: **APP-020620**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1097-A**
PREMISES: **8 Sunnymeade Village, Staten Island**
Block 3122, Lot 227
Build it Back ID: **APP-013530**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Sunnymeade Village and 2366 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1098-A**
PREMISES: **6 Sunnymeade Village, Staten Island**
Block 3122, Lot 229
Build it Back ID: **APP-004165**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1099-A**
PREMISES: **4 Sunnymeade Village, Staten Island**
Block 3122, Lot 230
Build it Back ID: **APP-005467**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Sunnymeade Village partially within an R3-2 zoning district and partially within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 31 feet of frontage along Sunnymeade Village and 2821 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1100-A**
PREMISES: **34 Teri Court, Staten Island**
Block 2372, Lot 269
Build it Back ID: **APP-023785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Teri Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Teri Court and 960 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1101-A**
PREMISES: **86 Oceanside Avenue, Staten Island**
Block 3122, Lot 341
Build it Back ID: **APP-011530**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanside Avenue partially within an R3-2 zoning district and partially within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 16 feet of frontage along Oceanside Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1102-A**
PREMISES: **90 Oceanside Avenue, Staten Island**
Block 3122, Lot 343
Build it Back ID: **APP-011522**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Oceanside Avenue within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 16 feet of frontage along Oceanside Avenue and 1600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1103-A**
PREMISES: **82 Seagate Court, Staten Island**
Block 3124, Lot 390
Build it Back ID: **APP-023848**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Seagate Court and 1000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1104-A**
PREMISES: **92 Seagate Court, Staten Island**
Block 3124, Lot 395
Build it Back ID: **APP-017858**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seagate Court within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Seagate Court and 2230 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1105-A**
PREMISES: **50 Seaside Lane, Staten Island**
Block 3124, Lot 452
Build it Back ID: **APP-019253**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaside Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 23 feet of frontage along Seaside Lane and 1265 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1106-A**
PREMISES: **44 Seaside Lane, Staten Island**
Block 3124, Lot 453
Build it Back ID: **APP-022034**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaside Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 33 feet of frontage along Seaside Lane and 1122 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1107-A**
PREMISES: **40 Seaside Lane, Staten Island**
Block 3124, Lot 455
Build it Back ID: **APP-019004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seaside Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 33 feet of frontage along Seaside Lane and 1122 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1108-A**
PREMISES: **12 Cornish Street, Staten Island**
Block 5206, Lot 1
Build it Back ID: **APP-022781**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Cornish Street and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1109-A**
PREMISES: **13 Crescent Beach, Staten Island**
Block 5308, Lot 1
Build it Back ID: **APP-015524**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crescent Beach within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 95 feet of frontage along Crescent Beach and 4560 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1110-A**
PREMISES: **14 Crescent Beach, Staten Island**
Block 5308, Lot 1
Build it Back ID: **APP-015525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crescent Beach within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 95 feet of frontage along Crescent Beach and 4560 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1111-A**
PREMISES: **20 Cornish Street, Staten Island**
Block 5206, Lot 5
Build it Back ID: **APP-000826**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Cornish Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1112-A**
PREMISES: **22 Cornish Street, Staten Island**
Block 5206, Lot 6
Build it Back ID: **APP-009792**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 27 feet of frontage along Cornish Street and 2648 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1113-A**
PREMISES: **24 Cornish Street, Staten Island**
Block 5206, Lot 7
Build it Back ID: **APP-017247**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 28 feet of frontage along Cornish Street and 2604 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1114-A**
PREMISES: **26 Cornish Street, Staten Island**
Block 5206, Lot 9
Build it Back ID: **APP-015386**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 35 feet of frontage along Cornish Street and 2800 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1115-A**
PREMISES: **131 Goodall Street, Staten Island**
Block 5308, Lot 10
Build it Back ID: **APP-017145**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Goodall Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Goodall Street and 6750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1116-A**
PREMISES: **133 Goodall Street, Staten Island**
Block 5308, Lot 10
Build it Back ID: **APP-015527**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Goodall Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Goodall Street and 6750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1117-A**
PREMISES: **523 Lynn Street, Staten Island**
Block 4681, Lot 11
Build it Back ID: **APP-011525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 21 feet of frontage along Lynn Street and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1118-A**
PREMISES: **525 Lynn Street, Staten Island**
Block 4681, Lot 12
Build it Back ID: **APP-013865**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Lynn Street and 2400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1119-A**
PREMISES: **527 Lynn Street, Staten Island**
Block 4681, Lot 13
Build it Back ID: **APP-020027**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Lynn Street and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1120-A**
PREMISES: **529 Lynn Street, Staten Island**
Block 4681, Lot 14
Build it Back ID: **APP-011479**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Lynn Street and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1121-A**
PREMISES: **138 Whitman Avenue, Staten Island**
Block 5205, Lot 16
Build it Back ID: **APP-002763**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Whitman Avenue within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 60 feet of frontage along Whitman Avenue and 4320 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1122-A**
PREMISES: **531 Lynn Street, Staten Island**
Block 4681, Lot 16
Build it Back ID: **APP-018612**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Lynn Street and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1123-A**
PREMISES: **574 Pendale Street, Staten Island**
Block 4726, Lot 16
Build it Back ID: **APP-006509**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pendale Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Pendale Street and 5000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1124-A**
PREMISES: **28 Seabreeze Lane, Staten Island**
Block 7860, Lot 17
Build it Back ID: **APP-025049**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Seabreeze Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 12 feet of frontage along Seabreeze Lane and 975 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1125-A**
PREMISES: **533 Lynn Street, Staten Island**
Block 4681, Lot 17
Build it Back ID: **APP-004392**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 42 feet of frontage along Lynn Street and 4200 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1126-A**
PREMISES: **535 Amherst Avenue, Staten Island**
Block 4682, Lot 19
Build it Back ID: **APP-011537**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1127-A**
PREMISES: **25 Cornish Street, Staten Island**
Block 5205, Lot 20
Build it Back ID: **APP-007297**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 80 feet of frontage along Cornish Street and 8000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1128-A**
PREMISES: **23 Cornish Street, Staten Island**
Block 5205, Lot 21
Build it Back ID: **APP-004953**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Cornish Street and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1129-A**
PREMISES: **537 Amherst Avenue, Staten Island**
Block 4682, Lot 21
Build it Back ID: **APP-014628**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1130-A**
PREMISES: **566 Pendale Street, Staten Island**
Block 4726, Lot 21
Build it Back ID: **APP-024301**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pendale Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Pendale Street and 3500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1131-A**
PREMISES: **543 Amherst Avenue, Staten Island**
Block 4682, Lot 22
Build it Back ID: **APP-019602**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1132-A**
PREMISES: **1 Morris Place, Staten Island**
Block 5212, Lot 24
Build it Back ID: **APP-016072**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Morris Place within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 76 feet of frontage along Morris Place and 3040 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1133-A**
PREMISES: **123 Aviston Street, Staten Island**
Block 4682, Lot 25
Build it Back ID: **APP-014761**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aviston Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Aviston Street and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1134-A**
PREMISES: **119 Aviston Street, Staten Island**
Block 4683, Lot 26
Build it Back ID: **APP-022169**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aviston Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Aviston Street and 3000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1135-A**
PREMISES: **138 Fox Lane, Staten Island**
Block 4781, Lot 26
Build it Back ID: **APP-019390**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Fox Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 37 feet of frontage along Fox Lane and 2220 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1136-A**
PREMISES: **81 Aviston Street, Staten Island**
Block 4682, Lot 26
Build it Back ID: **APP-012088**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Aviston Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Aviston Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1137-A**
PREMISES: **391 Fairbanks Avenue, Staten Island**
Block 4691, Lot 27
Build it Back ID: **APP-000022**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Fairbanks Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Fairbanks Avenue and 2760 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1138-A**
PREMISES: **130 Goodall Street, Staten Island**
Block 5309, Lot 28
Build it Back ID: **APP-015564**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Goodall Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Goodall Street and 6750 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1139-A**
PREMISES: **237 Fox Lane, Staten Island**
Block 4762, Lot 28
Build it Back ID: **APP-009549**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Fox Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Fox Lane and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1140-A**
PREMISES: **532 Amherst Avenue, Staten Island**
Block 4683, Lot 28
Build it Back ID: **APP-006590**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1141-A**
PREMISES: **532 Lynn Street, Staten Island**
Block 4682, Lot 28
Build it Back ID: **APP-001669**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Lynn Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1142-A**
PREMISES: **7 Cornish Street, Staten Island**
Block 5205, Lot 28
Build it Back ID: **APP-010648**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cornish Street within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Cornish Street and 3760 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1143-A**
PREMISES: **239 Fox Lane, Staten Island**
Block 4762, Lot 29
Build it Back ID: **APP-023076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Fox Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Fox Lane and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1144-A**
PREMISES: **530 Amherst Avenue, Staten Island**
Block 4683, Lot 29
Build it Back ID: **APP-011665**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1145-A**
PREMISES: **4293 Richmond, Staten Island**
Block 4688, Lot 30
Build it Back ID: **APP-016589**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Richmond within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 66 feet of frontage along Richmond and 6600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1146-A**
PREMISES: **528 Lynn Street, Staten Island**
Block 4682, Lot 30
Build it Back ID: **APP-016980**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Lynn Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1147-A**
PREMISES: **132 Goodall Street, Staten Island**
Block 5309, Lot 31
Build it Back ID: **APP-009512**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Goodall Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Goodall Street and 3375 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1148-A**
PREMISES: **526 Amherst Avenue, Staten Island**
Block 4683, Lot 31
Build it Back ID: **APP-020295**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1149-A**
PREMISES: **16 Crescent Beach, Staten Island**
Block 5309, Lot 33
Build it Back ID: **APP-013418**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crescent Beach within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 23 feet of frontage along Crescent Beach and 4988 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1150-A**
PREMISES: **522 Amherst Avenue, Staten Island**
Block 4683, Lot 33
Build it Back ID: **APP-024703**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1151-A**
PREMISES: **524 Lynn Street, Staten Island**
Block 4682, Lot 34
Build it Back ID: **APP-018147**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Lynn Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1152-A**
PREMISES: **134 Goodall Street, Staten Island**
Block 5309, Lot 35
Build it Back ID: **APP-019070**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Goodall Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 51 feet of frontage along Goodall Street and 3663 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1153-A**
PREMISES: **17 Crescent Beach, Staten Island**
Block 5309, Lot 35
Build it Back ID: **APP-006787**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crescent Beach within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 51 feet of frontage along Crescent Beach and 3663 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1154-A**
PREMISES: **522 Lynn Street, Staten Island**
Block 4682, Lot 35
Build it Back ID: **APP-018216**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Lynn Street and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1155-A**
PREMISES: **15 Ackerman Street, Staten Island**
Block 5209, Lot 39
Build it Back ID: **APP-011132**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Ackerman Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Ackerman Street and 2513 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1156-A**
PREMISES: **222 Fox Lane, Staten Island**
Block 4767, Lot 39
Build it Back ID: **APP-005689**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Fox Lane within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Fox Lane and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1157-A**
PREMISES: **68 Tarlton Street, Staten Island**
Block 4793, Lot 45
Build it Back ID: **APP-017110**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tarlton Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Tarlton Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1158-A**
PREMISES: **11 Crescent Beach, Staten Island**
Block 5308, Lot 50
Build it Back ID: **APP-017232**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Crescent Beach within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Crescent Beach and 2700 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1159-A**
PREMISES: **76 Tarlton Street, Staten Island**
Block 4793, Lot 50
Build it Back ID: **APP-009005**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tarlton Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Tarlton Street and 4000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1160-A**
PREMISES: **151 Foxbeach Avenue, Staten Island**
Block 4767, Lot 54
Build it Back ID: **APP-022874**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Foxbeach Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Foxbeach Avenue and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1161-A**
PREMISES: **569 Pendale Street, Staten Island**
Block 4721, Lot 58
Build it Back ID: **APP-008420**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pendale Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 71 feet of frontage along Pendale Street and 5837 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1162-A**
PREMISES: **575 Pendale Street, Staten Island**
Block 4721, Lot 60
Build it Back ID: **APP-007980**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pendale Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 120 feet of frontage along Pendale Street and 5734 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1163-A**
PREMISES: **84 Lorraine Loop, Staten Island**
Block 7106, Lot 62
Build it Back ID: **APP-024749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lorraine Loop within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Lorraine Loop and 1062 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1164-A**
PREMISES: **102 Tarlton Street, Staten Island**
Block 4793, Lot 64
Build it Back ID: **APP-025800**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tarlton Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 75 feet of frontage along Tarlton Street and 6000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1165-A**
PREMISES: **499 Lynn Street, Staten Island**
Block 4676, Lot 64
Build it Back ID: **APP-017080**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a multifamily home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lynn Street within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 51 feet of frontage along Lynn Street and 4845 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1166-A**
PREMISES: **15 Michelle Lane, Staten Island**
Block 4071, Lot 72
Build it Back ID: **APP-012964**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Michelle Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 50 feet of frontage along Michelle Lane and 2088 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1167-A**
PREMISES: **15 Morris Place, Staten Island**
Block 5212, Lot 74
Build it Back ID: **APP-008849**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Morris Place within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 20 feet of frontage along Morris Place and 1860 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1168-A**
PREMISES: **11 Morris Place, Staten Island**
Block 5212, Lot 75
Build it Back ID: **APP-004498**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Morris Place within an C3A zoning district, in Staten Island; and

WHEREAS, the site has 40 feet of frontage along Morris Place and 3640 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1169-A**
PREMISES: **27 Michelle Lane, Staten Island**
Block 4071, Lot 79
Build it Back ID: **APP-024670**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Michelle Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Michelle Lane and 1162 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1170-A**
PREMISES: **29 Michelle Lane, Staten Island**
Block 4071, Lot 80
Build it Back ID: **APP-024997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Michelle Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 14 feet of frontage along Michelle Lane and 1400 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1171-A**
PREMISES: **39 Michelle Lane, Staten Island**
Block 4071, Lot 85
Build it Back ID: **APP-025462**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Michelle Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 22 feet of frontage along Michelle Lane and 1676 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1172-A**
PREMISES: **28 Jennifer Lane, Staten Island**
Block 4071, Lot 87
Build it Back ID: **APP-022264**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Jennifer Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 30 feet of frontage along Jennifer Lane and 1500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1173-A**
PREMISES: **36 Michelle Lane, Staten Island**
Block 4071, Lot 95
Build it Back ID: **APP-002357**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Michelle Lane within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 38 feet of frontage along Michelle Lane and 1558 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1174-A**
PREMISES: **12 Saccheri Court, Staten Island**
Block 5452, Lot 110
Build it Back ID: **APP-010794**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Saccheri Court within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 15 feet of frontage along Saccheri Court and 667 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1175-A**
PREMISES: **57 Tarlton Street, Staten Island**
Block 4792, Lot 114
Build it Back ID: **APP-019191**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tarlton Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Tarlton Street and 2000 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1176-A**
PREMISES: **531 Amherst Avenue, Staten Island**
Block 4682, Lot 117
Build it Back ID: **APP-002313**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Amherst Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 25 feet of frontage along Amherst Avenue and 2500 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1177-A**
PREMISES: **144 Brook Avenue, Staten Island**
Block 4728, Lot 131
Build it Back ID: **APP-013696**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brook Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 67 feet of frontage along Brook Avenue and 5092 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1178-A**
PREMISES: **160 Nicolosi Drive, Staten Island**
Block 6475, Lot 162
Build it Back ID: **APP-002504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nicolosi Drive within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 114 feet of frontage along Nicolosi Drive and 10480 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1179-A**
PREMISES: **150 Nicolosi Drive, Staten Island**
Block 6475, Lot 175
Build it Back ID: **APP-019751**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nicolosi Drive within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 150 feet of frontage along Nicolosi Drive and 46527 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1180-A**
PREMISES: **140 Nicolosi Drive, Staten Island**
Block 6475, Lot 185
Build it Back ID: **APP-007035**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nicolosi Drive within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 150 feet of frontage along Nicolosi Drive and 32610 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1181-A**
PREMISES: **117 Tarlton Street, Staten Island**
Block 4792, Lot 210
Build it Back ID: **APP-013316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tarlton Street within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Tarlton Street and 1704 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1182-A**
PREMISES: **50 Nicolosi Drive, Staten Island**
Block 6475, Lot 220
Build it Back ID: **APP-025564**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Nicolosi Drive within an R3-2 zoning district, in Staten Island; and

WHEREAS, the site has 100 feet of frontage along Nicolosi Drive and 25714 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1183-A**
PREMISES: **333 Finley Avenue, Staten Island**
Block 4130, Lot 623
Build it Back ID: **APP-021148**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda. 5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Finley Avenue within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 39 feet of frontage along Finley Avenue and 2808 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

MEETING OF: **January 22, 2016**
CALENDAR NO.: **2016-1184-A**
PREMISES: **840 Tysens Lane, Staten Island**
Block 4130, Lot 625
Build it Back ID: **APP-007023**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single to two-family home that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(a) (Appeal of Agency Final Determination), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5 (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Tysens Lane within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 26 feet of frontage along Tysens Lane and 2600 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated January 19, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

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300-08-A
APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.
SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.
PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.
COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

114-15-A thru 125-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rossville AME Zion Church, owner; Jade's Path, LLC, lessee.
SUBJECT – Application May 27, 2015 – Proposed construction of a single family home that does not front on a legally mapped street, contrary to General City Law Section 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 9, 11, 15, 17, 21, 23, 27, 29, 33, 35, 41 thru 43 Jade Court, Block 07267, Lot 0299, 0298, 0297, 0296, 0295, 0094, 0293, 0292, 0092, 0289, west side of Bloomingdale Road, approx. 346' south of intersection with Clay Pit Road, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda….....5
Negative:.....0

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for deferred decision.

ZONING CALENDAR

193-13-BZ
CEQR #14-BSA-001X
APPLICANT – Eric Palatnik, Esq., for Centers FC Realty LLC, owner.
SUBJECT – Application July 2, 2013 – Special Permit (§73-44) for the reduction in parking from 190 to 95 spaces to facilitate the conversion of an existing building to UG 6 office and retail use. C2-2/R6A & R-5 zoning districts
PREMISES AFFECTED – 4770 White Plains Road, White Plains Road between Penfield Street and East 242nd Street, Block 5114, Lot 14, Borough of Bronx.
COMMUNITY BOARD #12BX
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and

Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated June 10, 2013, acting on DOB Application No. 220244135, reads:

> Proposed reduction in accessory parking in use group 6, category B1, is contrary to ZR Section 36-21 and therefore requires a special permit from the NYC BSA Pursuant to ZR Section 73-44; and

WHEREAS, this is an application under ZR §§ 73-44 and 73-03, to permit, on a site located partially within an R6A (C2-2) zoning district and partially within an R5 zoning district, the reduction in the required number of accessory parking spaces for a Use Group ("UG") 6 office space from 190 spaces to 95 spaces, contrary to ZR § 36-21; and

WHEREAS, a public hearing was held on this application on January 28, 2014, after due notice by publication in the City Record, with continued hearings on March 11, 2014, May 20, 2014, August 19, 2014, October 7, 2014, November 18, 2014, July 21, 2015, and December 8, 2015, and then to decision on January 22, 2016; and

WHEREAS, Vice Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and the surrounding neighborhood; and

WHEREAS, Community Board 12, the Bronx, recommends approval of the instant application; and

WHEREAS, the subject site is a corner lot located on the east side of White Plains Road between East 242nd Street and Penfield Street, with approximately 245 feet of frontage along East 242nd Street, 199 feet of frontage along White Plains Road and 215 feet of frontage along Penfield Street, partially within an R6A (C2-2) zoning district and partially within an R5 zoning district, in the Bronx; and

WHEREAS, the site has approximately 46,029 sq. ft. of lot area and is improved with a three-story plus cellar building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 15, 1923 when, under BSA Calendar Number 317-23-BZ (the "1923 Resolution"), the Board granted a special permit to allow the erection and maintenance of a garage for the storage of more than five motor vehicles; and

WHEREAS, the 1923 Resolution identifies the premises as one "partly in a business district and partly in a residence district" and acknowledges that the office use on the second floor of the proposed building would "extend approximately 30 ft. into the residence district"; and

WHEREAS, on October 27, 1970, under BSA Calendar Number 376-70-BZ (the "1970 Resolution"), the Board granted a special permit to allow the enlargement of the second floor and a new third floor for the existing building that exceeded the permitted floor area ratio and penetrated the sky exposure plane; and

WHEREAS, the applicant represents that the plans approved in association with the 1970 Resolution show parking spaces on the portion of the zoning lot within a residential district and, further, that the description of the lot in the 1923 Resolution in the 1970 Resolution matches the description of the current zoning lot, thus demonstrating that the current lot is the same lot over which the Board exercised jurisdiction in both the 1923 Resolution and the 1970 Resolution and that the Board has previously exercised its jurisdiction over the portion of the lot located in a residential district; and

WHEREAS, the applicant proposes to alter the interior of the existing building to provide approximately 57,043 sq. ft. of floor area for UG 6 office space on the first, second and third floors, and 11,627 sq. ft. of floor area for UG 6 retail space on the ground floor, for a total of approximately 68,670 sq. ft. of floor area; and

WHEREAS, the 11,627 sq. ft. of UG 6 retail space is not the subject of this application and the applicant proposes to provide the 39 accessory parking spaces required for that use pursuant to ZR § 36-21; and

WHEREAS, the applicant seeks a reduction in the required number of parking spaces for the UG 6 office use, as set forth below; and

WHEREAS, the applicant states that, pursuant to ZR §36-21, 190 accessory parking spaces are required for the UG 6 office space use; and

WHEREAS, the applicant calculates the office space parking requirement as follows: pursuant to ZR § 36-21, within the C2-2 zoning district, the subject UG 6 office space requires one accessory parking space for every 300 sq. ft. of floor area; thus the proposed UG 6 office floor area at the site requires 190 accessory parking space; however, the applicant seeks to provide 134 parking spaces, resulting in a deficit of 56 parking spaces; and

WHEREAS, pursuant to ZR § 73-44, the Board may grant a special permit allowing a reduction in the required number of accessory off-street parking spaces for the UG 6 office space and, specifically, the Board may reduce the required parking for such use from one space per 300 sq. ft. of floor area to one space per 600 sq. ft. of floor area; and

WHEREAS, pursuant to ZR § 73-44, the Board must, prior to granting the special permit, determine that the UG 6 use in parking category B1 is contemplated in good faith; and

WHEREAS, to satisfy the good faith argument, the applicant has submitted an affidavit sworn to on June 25, 2013; and

WHEREAS, the Board finds that the applicant has submitted sufficient evidence of good faith in maintaining the noted uses at the site; and

WHEREAS, in addition, the special permit under ZR § 73-44 requires and the applicant represents that any certificate of occupancy for the building will state that no subsequent certificate of occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius; and

WHEREAS, the Board directed the applicant to demonstrate that the application satisfies ZR § 73-03(a), specifically, to provide information as to how the proposed reduction in parking will impact the surrounding community in terms of parking and traffic; and

WHEREAS, in response, the applicant submitted a parking study, which demonstrates that the proposed reduction in accessory off-street parking spaces associated with the UG 6 office space use will meet the demand created by the use and not have significant negative impacts on the surrounding community; and

WHEREAS, the applicant represents that the subject premises is located in an area well-served by public transportation, including four bus routes on White Plains Road, a 2 train station located approximately 660 feet south of the subject premises, and a Metro-North Railroad station located approximately 2,000 feet southwest of the subject premises; and

WHEREAS, the applicant also notes that the proposed accessory off-street parking area includes a steel fence with decorative concrete coating and brick pattern stamping at its base and new 12'-0" tall arborvitae trees to shield the parked cars from neighbors; that 44 double stackers are located at the lower level of the parking area, further from residential development and hidden from sight; and that the lights in the parking area will be pointed down and away from surrounding properties; and

WHEREAS, accordingly, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, based upon its review of the record, the Board concludes that the findings required under ZR §§ 73-03 and 73-44 have been met; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 14BSA001X, dated June 27, 2013; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-03 and 73-44 to permit, on a site located partially within a C8-1 zoning district, and partially within an to permit, on a site located in partially within an R6A (C2-2) zoning district and partially within an R5 zoning district, the reduction in the required number of accessory parking spaces for a Use Group ("UG") 6 office space from 190 spaces to 95 spaces, contrary to ZR § 36-21; on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received December 23, 2015"– Fourteen (14) sheets, and on further condition:

THAT a minimum of 229 parking spaces shall be provided at the site;

THAT there shall be no change in the uses at the site without prior review and approval by the Board;

THAT a certificate of occupancy shall not be issued if either of the uses for which parking has been reduced has been changed to a use listed in parking category B, unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius;

THAT the above conditions shall appear on the certificate of occupancy;

THAT the applicant shall provide landscaping as shown on the BSA-approved plans;

THAT the landscaping shall be maintained at all times to conceal parking area, including the upper level of the double stackers;

THAT the walls shall be maintained free of graffiti;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by January 22, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

98-14-BZ
CEQR #14-BSA-150R

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 404-414 Richmond Terrace Inc., owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the reestablishment of a banquet facility (catering hall -UG 9) with accessory parking. Located in an R5 and R3A zoning districts within the St. George Historic District.

PREMISES AFFECTED – 404 Richmond Terrace, southeast corner of Richmond Terrace and Westervelt Avenue, Block 3, Lot(s) 40, 31, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on

condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 17, 2014, acting on Department of Buildings Application No. 520184906, reads in pertinent part:

> "ZR 32-18 & 22-10: Proposed change of use from accessory office to catering establishment with accessory office (zoning use group 9) on the second floor, is not permitted as-of-right in R5 & R3A residential zoning district;
> ZR 52-61: Proposed re-establishment of non-conforming use. Existing non-conforming catering establishment of zoning use group 9 in existing building was vacant for over two years per applicant's signed statement on submitted DOB A11 form. Hence subject building shall thereafter be used only for a conforming use"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R5 zoning district and partially within an R3A zoning district, the reestablishment of a Use Group 9 banquet facility with accessory parking, contrary to ZR §§ 22-10, 32-18 and 52-61; and

WHEREAS, a public hearing was held on this application on February 24, 2015, after due notice by publication in *The City Record*, with continued hearings on April 14, 2015, June 2, 2015, July 21, 2015, September 1, 2015, October 16, 2015, and November 24, 2015, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application on condition that the applicant install noise attenuation measures, provide valet parking in order to limit neighborhood congestion, and keep garbage and exterior lighting away from residential buildings; and

WHEREAS, the subject premises are two adjacent tax lots located on the southeast corner of Richmond Terrace and Westervelt Avenue, partially within an R5 zoning district and partially within an R3A zoning district, in the St. George Historic District, on Staten Island; and

WHEREAS, the site has approximately 181 feet of frontage along Richmond Terrace, 138 feet of frontage along Westervelt Avenue, and a total of 26,244 sq. ft. of lot area; and

WHEREAS, Lot 40 is the eastern portion of the subject premises wholly located within an R5 zoning district and Lot 31 is the western portion of the subject premises located within an R3A zoning district to a depth of 100 feet from Westervelt Avenue with the remaining portion located in an R5 zoning district; and

WHEREAS, the Lot 40 is improved upon with a two-story plus cellar building with 7,653 sq. ft. of floor area (0.29 FAR); and

WHEREAS, the applicant represents that the subject premises were last used as The Pavilion Banquet hall (Lot 40) and accessory parking (Lot 31) for the banquet use, which were both discontinued in 2005; and

WHEREAS, the Board has exercised jurisdiction over the Lot 31 portion of the subject premises since May 3, 1977 when, under BSA Calendar No. 760-76-BZ, the Board granted a variance to permit, in an R6 zoning district, the construction of an accessory parking lot for an adjoining cabaret and catering establishment for a term of five years, expiring May 3, 1982; and

WHEREAS, the applicant proposes to re-establish the banquet hall use (Use Group 9) in the existing building, including, on the first floor, a banquet room with 170 seats, an accessory bar area, and two smaller rooms for dining and other accessory uses; on the second floor, a second dining area with 36 seats, a bridal suite, storage and office space; and in the cellar, space for storage, mechanicals and kitchen preparation areas; and

WHEREAS, approval of the New York City Landmarks Preservation Commission ("LPC") is required because the existing building is located in the St. George Historic District; and

WHEREAS, the applicant further proposes to re-establish an accessory parking area on Lot 31 with 45 attended, valet parking spaces; and

WHEREAS, the applicant seeks the subject variance because the Use Group 9 banquet hall is not permitted on the premises as-of-right and the use of the property as a Use Group 9 banquet hall and accessory parking lot was discontinued for a period of greater than two years, however the property has a long history of use as a banquet hall, dance hall and social club and the applicant asserts that these remain the only economically viable uses; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the extended historic use of the building as commercial banquet hall, the interior design and configuration of the building exists so as to best serve this historic use—complete with large open spaces without partitions, a large bar, and kitchen areas—and the location of the building within the St. George Historic District create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations; and

WHEREAS, specifically, the applicant asserts that use of the premises for as-of-right medical offices would require significant alterations to the interior spaces to provide offices and examination room spaces as well as alterations to the exterior to provide necessary entrances and lobbies; and

WHEREAS, with regards to the building's historic use, the applicant represents that, between its construction in 1830 and 1910, the building was used as a one-family residence and hotel, that in 1943, the building obtained a Certificate of Occupancy indicating its use as a dance hall, bar and cabaret, and that in 1965, the building was converted to a banquet hall, the use to which it was put for forty years, until it was discontinued in 2005; and

WHEREAS, the Board finds that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant assets that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) Use Group 4 medical office with accessory parking ("As-of-Right Development") and (2) the subject proposal; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, the applicant asserts that the higher construction costs associated with altering the existing building for the As-of-Right Development and lower rents realizable for medical office use in such development prevent the use from providing a reasonable return; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that re-establishing banquet hall and accessory parking use at the subject premises will be consistent with both the character of the neighborhood and the site's historical use, that no enlargement of the building is proposed and the building's two-story height is less than the surrounding buildings, and that the proposal to provide 45 accessory parking spaces will limit the effects of adverse effects on the surrounding neighborhood during events; and

WHEREAS, in addition, and in response to neighborhood concerns, the applicant proposes to provide an entrance to the parking area on Richmond Terrace, a wide thoroughfare adjacent to a public promenade, to provide valet parking, to provide significant planning and screening for the parking area as a buffer for neighboring residential uses, and to install sound attenuation measures to ensure that the sound level in buildings on adjacent lots does not exceed 45 dBA; and

WHEREAS, the Board notes that on March 25, 2015 the New York City Landmarks Preservation Commission (the "LPC") issued Certificate of Appropriateness No. 16-8965 (expiring March 24, 2021) for the subject premises; and

WHEREAS, based on the above, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR, Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist, 14-BSA-150R dated July 9, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site partially within an R5 zoning district and partially within an R3A zoning district, the reestablishment of a Use Group 9 banquet facility with accessory parking, contrary to ZR §§ 22-10, 32-18 and 52-61, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 14, 2015" – eleven (11) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT any modifications from the plans previously approved by the LPC, including the height and color of the sound attenuation barrier, shall be approved by the LPC;

THAT all plantings shall be of a height at least equal to the sound attenuation barrier;

THAT amplified music shall be limited to the first floor (banquet room) only and used no later than 10 P.M. Sundays to Thursdays, and no later than 12 A.M. Fridays, Saturdays and Holiday weekends;

THAT only ambient music shall be played on the second floor;

THAT noise abatement measures shall be provided to ensure that the exterior sound level, including sound emanating from any sound system, does not exceed the maximum noise level of 45 dBA or other maximum level as required by code, including NYC Quiet Law 113;

THAT a delimiter shall be installed on the audio system with a maximum of 80 dBA;

THAT a sound engineer shall be consulted to provide project-specific detailing to meet all sound level requirements;

THAT any windows to be replaced in the banquet hall room shall be double-paned;

THAT all banquet hall windows shall have acoustic window insert installed;

THAT the banquet hall flour shall have sound reduction mat and rubber isolators;

THAT the interior finish of the banquet hall exterior walls shall be removed to the existing wall framing and SAFB insulation, resilient channels with isolation clips and two layers of gypsum board with viscoelastic damping compound in between shall be installed in the wall cavity;

THAT the banquet hall ceiling shall be acoustic ceiling panels hung on resilient isolation clips with gypsum board soffits to be similar to banquet hall exterior wall construction;

THAT acoustical sealant shall be provided at all ceiling, wall, floor and opening perimeters;

THAT the premises shall be maintained free of debris and graffiti during construction;

THAT a construction fence shall be installed for the duration of construction to protect neighbors from noise and nuisance;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

283-14-BZ

APPLICANT – Dennis D. Dell'Angelo, for Morris Weiss, owner.

SUBJECT – Application November 5, 2014 – Special Permit (§73-622) for the enlargement of an existing two family residence to be converted to a single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 3255 Bedford Avenue, eastside Bedford Avenue between Avenue K and Avenue L, Block 07625, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated October 28, 2014, acting on DOB Application No. 320978876, reads in pertinent part:

1. The proposed FAR and OSR constitutes an increase in the degree of existing non-compliance contrary to Sec. 23-141 of the NYC Zoning Resolution.
2. Proposed horizontal enlargement provides less than the required rear yard contrary to Sec. 23-47 of the NYC Zoning Resolution; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed conversion and enlargement of a two-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio, and rear yards, contrary to ZR §§ 23-14 and 23-47; and

WHEREAS, a public hearing was held on this application on December 12, 2015, after due notice by publication in *The City Record*, and then to decision on January 22, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the east side of Bedford Avenue, between Avenue K and Avenue L, within an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 37'-6" of frontage along Bedford Avenue, a depth of 100 feet, and 3,750 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-family two-story with attic detached residence with approximately 2,554 sq. ft. of floor area (0.68 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space*, *floor area*, *side yard, rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-*

complying perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to convert the subject building to a single-family home and to enlarge the subject building as follows: (1) increase the floor area of the structure from 2,554sq. ft. (.68 FAR) to 3,341 sq. ft. (.89 FAR) (the maximum permitted floor area ratio is .50 FAR pursuant to ZR § 23-141(a)); (2) decrease the non-complying open space ratio from 93.15-percent to 55-percent (the minimum required open space ratio is 150-percent pursuant to ZR § 23-141(a)); and (3) reduce the depth of the non-complying rear yard from 23'-11" to 20'-2" (a 30'-0" rear yard is required pursuant to ZR § 23-47); and

WHEREAS, the applicant states that the proposed enlargement will also result in an increase in the depth of the front yard from a non-complying 9'-11½" to a complying 15-0", and that the existing portion of the second floor which currently encroaches into the sky exposure plane will be removed such that the proposed building will be in compliance with ZR § 23-631; and

WHEREAS, the applicant represents that the modified proposal will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, in support of its request for an increase in the floor area of the proposed building and a reduction in the depth of the rear yard at the subject site, the applicant prepared a study which provided, *inter alia*, that within a 400' radius of the subject site (the "Study Area") there are 104 single and two family residences, 89 of which have a non-complying FAR in excess of .50; the applicant states that of the 89 homes with a non-complying FAR in excess of .50 within the Study Area, 17 have an FAR in excess of .89; and

WHEREAS, the applicant states that the proposed reduction in the depth of the rear yard (from a non-complying 23'-11" to a 20'-2") is a minimal additional encroachment into an existing non-complying yard which will allow the owner of the subject building to upgrade the family area of the proposed building and enjoy a contemporary standard of living; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed conversion and enlargement of a two-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio, and rear yards, contrary to ZR §§ 23-14 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 29, 2015" – eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,341 sq. ft. (.89 FAR), side yards of 5'-1½" and 8'-2", a rear yard with a minimum depth of 20'-2", and a front yard of 15'-0", all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 22, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.

PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of

Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for deferred decision.

41-14-BZ
APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.
SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.
PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #2BK
ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for adjourned hearing.

101-14-BZ
APPLICANT – Moshe M. Friedman PE, for Bais Yaakov D. Chassidei Gur, owner.
SUBJECT – Application May 8, 2015 – Variance (§72-21) to permit the vertical extension of an existing not for profit religious school. R5 zoning district.
PREMISES AFFECTED – 1975 51st Street, northwest corner of 20th Avenue and 51st Street, Block 05462, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #12BK
ACTION OF THE BOARD – Laid over to February 2, 2016, at 10 A.M., for continued hearing.

229-14-BZ
APPLICANT –Jeffery A. Chester/GSHLLP, for Marmel Realty Associates Corp., owner; Lucille Roberts Health Club, Queens, LLC, lessee.
SUBJECT – Application September 23, 2015 – Special Permit (§73-36) to seek the legalization of an existing physical culture establishment (*Lucille Roberts*). C4-3A zoning district.
PREMISES AFFECTED – 55-05 Myrtle Avenue, corner of Madison Street and St. Nicholas Avenue, Block 03450, Lot 01, Borough of Queens.
COMMUNITY BOARD #5Q
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for adjourned hearing.

269-14-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for 89-40 Realty LLC/Yaron Rosenthal, owner; Sun Star Services, lessee.
SUBJECT – Application November 3, 2014 – Special Permit §73-36) to permit the physical culture establishment *(Massage Envy Spa)* on the first floor level of an existing commercial building in a C2-2 in R4 zoning district.
PREMISES AFFECTED – 89-44 Metropolitan Avenue, southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 03872, Lot 33, Borough of Queens.
COMMUNITY BOARD #5Q
ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for adjourned hearing.

318-14-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Leemilts Petroleum Inc., owner; Capitol Petroleum Group, lessee.
SUBJECT – Application December 5, 2014 – Re-Instatement (§11-411) previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on October 27, 1987; Waiver of the Rules. C1-2 in R5 zoning district.
PREMISES AFFECTED – 1672-1680 86th Street aka 1-17 Bay 14th Street, south East Corner of Bay 14th Street, Block 06365, Lot 33, Borough of Brooklyn.
COMMUNITY BOARD #11BK
ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for continued hearing.

MINUTES

REGULAR MEETING
FRIDAY AFTERNOON, JANUARY 22, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

158-15-BZ
CEQR #16-BSA-004M
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 125 Park Owner LLC, Blink 125 Park, Inc., lessee.
SUBJECT – Application July 14, 2015 – Special Permit (73-36) to allow a physical culture establishment ("PCE") to be operated as (Blink Fitness) within an existing twenty-four story commercial building. C5-3(MID) zoning district.
PREMISES AFFECTED – 125 Park Avenue, northwest corner of intersection of Park Avenue and East 42nd Street, Block 01296, Lot 01, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Ottley-Brown.....1
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 8, 2015, acting on Department of Buildings Application No. 122400696, reads in pertinent part:

> "Proposed Physical Culture Establishment is not permitted as-of-right in C5-3 zoning district and is contrary to ZR 32-10"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-3 zoning district, in the Special Midtown District and Grand Central Subdistrict, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on January 22, 2016; and

WHEREAS, Community Board 5, Manhattan, waived its recommendation for this application; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, the subject site is the entirety of the east side of Park Avenue between East 41st Street and East 42nd Street, located in a C5-3 zoning district, in the Special Midtown District and the Grand Central Subdistrict, in Manhattan; and

WHEREAS, the site has approximately 198 feet of frontage along Park Avenue, 126 feet of frontage along East 41st Street, 126 feet of frontage along East 42nd Street, and 24,786 sq. ft. of lot area; and

WHEREAS, the site is currently occupied by a twenty-four (24) story commercial building, known as the Pershing Square Building; and

WHEREAS, the proposed PCE will occupy 846 sq. ft. of floor area on the first floor of the building and 15,898 sq. ft. in the cellar; and

WHEREAS, the proposed PCE will be accessible from the first floor of the building fronting Park Avenue; and

WHEREAS, the PCE will be operated as a Blink Fitness; and

WHEREAS, the applicant represents that the first floor will contain the entrance lobby and a storage room, and the cellar level will house the reception desk, cardio equipment, strength training equipment, stretching areas, locker rooms, office and additional storage space; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Saturday, 5:30 a.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant has provided the Board with plans representing that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fire Department-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the plans also represent that the PCE will be fully sprinklered; and

WHEREAS, the applicant's plans also include notes regarding the proposed sound attenuation measures, including 6 mil rubber flooring with an STC rating of 45, a demising wall between tenants with an STC rating of 56, and demising interior walls with an STC rating of 50, which will ensure that the sound level in other portions of the building will not exceed the maximum noise level of 45 dBA; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the subject building was calendared by the New York City Landmarks Preservation Commission ("LPC") in September 2013 but has not yet been designated by LPC; and

WHEREAS, the subject application proposes to adhere a single vinyl window sign of approximately 11 sq. ft. to the entrance transom above the Park Avenue entrance to the PCE, but proposes no work on the exterior of the building; and

WHEREAS, the applicant represents that the sign complies with zoning regulations applicable in a C5-3 zoning district, Special Midtown District and the Grand Central Subdistrict; and

WHEREAS, the LPC reviewed the subject proposal for interior alterations at the cellar and first floor levels of the building and, by letter dated September 8, 2015, states that it has no objection to the proposed work proceeding as it will have no effect on the proposed individual landmark building; and

WHEREAS, additionally, the LPC, by letter dated June

25, 2015, states that the work to install the new signage to will not involve the removal or demolition of any significant architectural or decorative feature of the building and, thus, have no effect on the features of the proposed individual landmark building; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA004M, dated July 14, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C5-3 zoning district, in the Special Midtown District and Grand Central Subdistrict, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 12, 2016"- Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on January 22, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 22, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 22, 2016.

24-14-BZ

APPLICANT – Gerald J. Caliendo, Architect, PC, for Frank Moreno, owner.

SUBJECT – Application February 3, 2014 – Variance (§72-21) to legalize an enlargement of an existing one family residence and a conversion from one dwelling unit to two dwelling units, contrary to front and side yards (§23-45 and §23-46). R4 zoning district.

PREMISES AFFECTED – 106-02 Sutter Avenue, Block 11506, Lot 42, Borough of Queens.

COMMUNITY BOARD #10Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda 4

Negative:.....0

Absent: Commissioner Ottley-Brown 1

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for decision, hearing closed.

95-15-BZ

APPLICANT – Eric Palatnik, P.C., for Shalev Shoshani, owner; Rudolf Abramov, lessee.

SUBJECT – Application April 30, 2015 – Special Permit (§73-36) to a physical culture establishment (*Retro Fitness*), within two-story masonry building. C8-3 Div. by R7-1 W/C2-4 zoning district.

PREMISES AFFECTED – 1203 Jerome Avenue, Block 02506, Lot 062, Borough of Bronx.

COMMUNITY BOARD #4BX

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda 4

Negative:.....0

Absent: Commissioner Ottley-Brown 1

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for decision, hearing closed.

203-15-BZ
APPLICANT – Kramer Levin Naftalis & Frankell LLP, for Margaret Cotter, Liberty Theaters, owners.
SUBJECT – Application August 28, 2015 – Variance (§72-21) to allow the restoration, reuse and enlargement of an existing commercial building located partly in a C6-4 district/Special Union Square District and an R8B district. The building is Tammany Hall and is a landmark.
PREMISES AFFECTED – 44 Union Square East, Block 0872, Lot 078, Borough of Manhattan.
COMMUNITY BOARD #5M

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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2016-1214-BZ

33 East 33rd Street, north side of East 33rd Street, 124.5 feet west of Madison Avenue, Block 00863, Lot(s) 0029, Borough of **Manhattan, Community Board: 5**. Special Permit (§73-36) to permit a physical culture establishment to operate within an existing commercial building. C5-2 zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
March 8, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 8, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

732-41-BZ
APPLICANT – Eric Palatnik, P.C., for Leemilts Petroleum, owner; BP Products North America, Inc., lessee.
SUBJECT – Application April 17, 2015 – Amendment (§11-411) seek to reopen and amend a previously granted variance for residence Use Group 16 gasoline service station with accessory uses, located within an R4 zoning district.
PREMISES AFFECTED – 100-17 Beach Channel Drive. Block 01615, Lot 040, Borough of Queens.
COMMUNITY BOARD #14Q

636-54-BZ
APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.
COMMUNITY BOARD #18BK

1092-79-BZ
APPLICANT – Greenberg Traurig, LLP, for Charlton Cooperative Corp., owner.
SUBJECT – Application November 18, 2015 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6(HDA) zoning district.
PREMISES AFFECTED – 112 Charlton Street aka 547 Greenwich Street, south side of Charlton Street, Block 597, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #2M

173-93-BZ
APPLICANT – Eric Palatnik, P.C., for YMCA, owner.
SUBJECT – Application July 17, 2015 – Amendment of a previously approved variance permitting a community facility with accessory parking. The amendment seeks to incorporate the unused development rights into a new as of right hotel. M1-4 zoning district.
PREMISES AFFECTED – 32-23 Queens Boulevard aka 43-11 32nd Place, Block 244, Lot 24, Borough of Queens.
COMMUNITY BOARD #2Q

189-09-BZ
APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.
SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.
PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.
COMMUNITY BOARD #1SI

87-12-BZ
APPLICANT – Troutman Sanders, LLP, for A & J Properties, LLC, owner.
SUBJECT – Application September 9, 2015 – Amendment (73-36) to permit a change in ownership of the PCE from Bally total fitness. C2-2/R4 zoning district.
PREMISES AFFECTED – 1720-1728 Sheepshead Bay Road, Block 8770, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #15BK

313-12-BZ
APPLICANT – Troutman Sanders, LLP, for Flatbush Delaware Holding LLC, owner.
SUBJECT – Application October 7, 2015 – Amendment of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment. The Amendment is to permit the change in ownership from "Bally Total Fitness" to 24 Hour Fitness, Inc. and to reflect change in signage. C4-2/C4-4A zoning district.
PREMISES AFFECTED – 1009 Flatbush Avenue, Block 5126, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #14BK

APPEALS CALENDAR

244-15-A
APPLICANT – Jay A. Segal, Esq., for 677 Fifth Avenue Corporation, owner.
SUBJECT – Application October 9, 2015 – Appeal challenging NYC Department of Building's determination that a video display wall with in a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).
PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.
COMMUNITY BOARD #5M

262-15-A
APPLICANT – Eric Palatnik, P.C., for Salvatore Galati, owner.
SUBJECT – Application November 30, 2015 – GCL 36 to permit the development of a one story, Use Group 6 Commercial Building located within an R3X/C1-1 zoning district, contrary to Article 3, Section 36 of the NYS General City Law.
PREMISES AFFECTED – 64 Sharrott Avenue, Block 7702, Lot 110, Borough of Staten Island.
COMMUNITY BOARD #3SI

2016-1222-A thru 2016-4120-A
APPLICANT – Mayor's Office of Housing Recovery Operations ("HRO")
SUBJECT – Application – Waiver of General City Law 35 for 2899 properties destroyed or substantially damaged by Hurricane Sandy filed by HRO on behalf of individual property owners enrolled in New York City's Build-It-Back ("BIB") program.
PREMISES AFFECTED – Various Sites in Brooklyn, Queens and Staten Island.

REGULAR MEETING
MARCH 8, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 8, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK

177-15-BZ
APPLICANT – Philip L. Rampulla, for Mangone Developers, Inc., owner.
SUBJECT – Application August 5, 2015 – Variance (§72-21) to permit the development of a new two family dwelling contrary to required side yards and permit a 3rd parking space to be located between the building wall and the street wall. R3-X, SRD, GMD zoning district.
PREMISES AFFECTED – 432 Albourne Avenue, Block 6942, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI

253-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Abraham Leitner, owner.
SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 99 East 22nd Street, Block 07586, Lot 36, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, FEBRUARY 2, 2016
10:00 A.M.

Present: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

Absent: Vice-Chair Hinkson.

SPECIAL ORDER CALENDAR

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

526-76-BZ
APPLICANT – Vito J Fossella, P.E., for 1492 Victory Blvd. LLC., owner.
SUBJECT – Application May 19, 2014 – Amendment of a previously approved variance which permitted the conversion of a three story building consisting of two family residence and a store into a three story office building which expired on December 21, 1981. The Amendment seeks to eliminate the term. R2 zoning district.
PREMISES AFFECTED –1492 Victory Boulevard, south side of Victory Boulevard, Block 00681, Lot 33, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for continued hearing.

402-86-BZ
APPLICANT – Carl A. Sulfaro, Esq., for Urban/College Point Associates, Inc., owner.
SUBJECT – Application December 29, 2014 – Amendment of a previously approved Variance which permitted the use of Warehouse (UG 16) in a then R4 zoning district. The amendment seeks to eliminate the term since the subject site has been rezoned to M1-1; Waiver of the Rules. M1-1 zoning district.
PREMISES AFFECTED – 22-12 129th Street, Block 04204, Lot 0034, Borough of Queens.
COMMUNITY BOARD #7Q

THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for decision, hearing closed.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

98-06-BZ
APPLICANT – Eric Palatnik, P.C., for Yeshiva Siach Yitzchok, owner.
SUBJECT – Application March 3, 2015 – Amendment of a previously approved Variance (§72-21) which permitted school (Yeshiva Siach Yitzchok) contrary to bulk regulation and contrary to General City Law section 35. The Amendment seeks minor interior changes and an increase in height from fifty feet to a proposed fifty four feet. R4A zoning district.
PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of Bech 9th Street and Dinsmire Avenue, Block 15554, Lot 0049, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

97-08-BZ
APPLICANT – Eric Palatnik P.C., for Yismach Moshe of Williamsburgh, Inc., owner.
SUBJECT – Application March 10, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously approved Special Permit (§73-19) permitting the legalization of an existing school (UG 3), which expired on March 16, 2012; Waiver of the Rules. M1-1 district.
PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 01736, Lot 0014, Borough of Brooklyn.
COMMUNITY BOARD #3BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0

Absent: Vice-Chair Hinkson.....1

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

141-15-A thru 155-15-A

APPLICANT – Eric Palatnik, P.C., for 1671 Hylan Boulevard, LLC., owner.

SUBJECT – Application July 6, 2015 – Proposed construction for fifteen single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law, located within an R1-2 zoning district.

PREMISES AFFECTED – 219 Cheevers Lane, Bordered by Page Avenue, Block 07792, Lot 0307, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

223-15-A

APPLICANT – Lauria Associates, for Jeffery Arcello, owner.

SUBJECT – Application September 23, 2016 – Proposed construction of a one story 15,000 square foot building with mezzanines throughout which does not have frontage on a legally mapped street contrary to Article 3, Section 36 of the General City Law. M1-1 Zoning District.

PREMISES AFFECTED – 638 Sharrotts Road, Block 7400, Lot 50, Borough of Staten Island.

COMMUNITY BOARD #3SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:.....0

Absent: Vice-Chair Hinkson.....1

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

98-15-BZ

CEQR #15-BSA-200M

APPLICANT – Rothkrug Rothkrug & Spector LLP, for East 54th Street Partnership LLC, owner; SoulCycle East 54th Street, LLC, lessee.

SUBJECT – Application May 5, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*SoulCycle*) within the existing building for a one family, three-story residence for accessory parking spaces. C1-9 zoning district.

PREMISES AFFECTED – 240 East 54th Street, south side of East 54th Street, 100 feet west of intersection of East 54th Street and Second Avenue, Block 01327, Lot 029, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:.....0

Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 28, 2015, acting on Department of Buildings Application No. 122229427, reads in pertinent part:

> "Proposed Physical Culture Establishment as defined by ZR 12-10, at the first through third floors is not permitted as-of-right in C1-9 Zoning District is contrary to ZR 32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site located within a C1-9 zoning district, a physical culture establishment ("PCE"), which operates on a portion of the first floor of a three story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 15, 2015, after due notice by publication in *The City Record*, and then to decision on February 2, 2016; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application for a term of five years; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the south side of East 54th Street, between Second Avenue and Third Avenue, in a C1-9 zoning district, in Manhattan; and

WHEREAS, the site has approximately 100 feet along East 54th Street, 10,041 sq. ft. of lot area, and is occupied by a three (3) story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 22, 1924 when, under BSA Calendar No. 621-24-BZ, the Board granted a variance to allow, in a business district, the construction of a fireproof garage for more than five motor vehicles (the "1924 Grant"); and

WHEREAS, on September 12, 1944, under BSA Calendar No. 419-44-A, the Board granted an appeal waiving certain provisions of the Building Code to permit the temporary use of the three story parking garage building for storage until April 1945 (the "1944 Resolution"); and

WHEREAS, on March 6, 1945 and February 26, 1946, under BSA Calendar No. 419-44-A, the Board extended the term of the temporary storage use, the last expiring April 1, 1947; and

WHEREAS, on May 22, 1956, under BSA Calendar No. 156-56-A, the Board granted an appeal to waive the egress requirements in the parking garage (the "1956 Grant"); and

WHEREAS, on July 17, 1956 and January 20, 1959, under BSA Calendar No. 156-56-A, the Board amended its previous resolution to permit changes in the location of stairs; and

WHEREAS, on December 8, 1981, the Board granted a variance to permit the erection of a 31-story mixed use building under BSA Calendar No. 403-81-BZ and granted a waiver of the Multiple Dwelling Law ("MDL") in association with that project under BSA Calendar No. 404-81-A (the "1981 Resolutions"); and

WHEREAS, by letter dated June 12, 2014, the Board granted a request by a representative of the subject building owner to surrender the 1924 Grant and the 1956 Grant; and

WHEREAS, by expiration, the 1944 Resolution no longer effects the subject premises; and

WHEREAS, the applicant represents that the 31-story mixed use building was constructed pursuant to zoning and MDL regulations on another portion of the subject zoning lot and did not trigger the requirement for the 1981 Resolutions; and

WHEREAS, accordingly, none of the previous Board grants are currently in effect; and

WHEREAS, the PCE occupies approximately 3,633 sq. ft. of floor area on the first floor of the subject building, containing the entrance lobby, a reception desk, a cycling studio for approximately 55 cyclists, and locker rooms, and has been in operation since December 2015; and

WHEREAS, the PCE operates as SoulCycle; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the PCE offers indoor cycling classes, classes for which are reserved in advanced and with participation limited to the number of spinning cycles available; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department, by letter dated December 9, 2015, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the proposed PCE will contain an approved interior fire alarm system connected to a Fire Department approved central station with automatic sprinklers; and

WHEREAS, the applicant has submitted documentation related to the installed fire alarm and sprinkler systems, including approved fire alarm plans, approved sprinkler plans, approved fire alarm application, and a "passed" sprinkler test report, but represents that final sign-offs have not yet been obtained; and

WHEREAS, the applicant asserts that sound attenuation measures, including insulated acoustic partitions surrounding the cycling studio, will be installed throughout the PCE space to ensure that the sound level in other portions of the building does not exceed 45 dBA; and

WHEREAS, further, the applicant represents that the majority of its patrons will be residents and employees from the immediate neighborhood that will travel to the PCE by walking and that, while no parking is required for the proposed use in a C1-9 zoning district, there are a number of parking garages located within a block of the subject premises and available on-street parking for patrons who may arrive by car; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA200M, dated May 5, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located within a C1-9 zoning district, a physical culture establishment (PCE), which operates on a portion of the first floor of a three story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 5, 2015"— Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 1, 2025;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the applicant shall obtain final signoff for the fire alarm system by the Fire Department;

THAT sound attenuation measures shall be implemented and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 15, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 2, 2016.

99-15-BZ
CEQR #15-BSA-201M

APPLICANT – Rothkrug Rothkrug & Spector LLP, for East 54th Street Partnership LLC, owner; Blink East 54th Street, Inc., lessee.

SUBJECT – Application May 5, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink*) in an existing commercial building. C1-9 zoning district.

PREMISES AFFECTED – 240 East 54th Street, south side of East 54th Street, 100' west of intersection of East 54th Street, and 2nd Avenue, Block 01327, Lot 029, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 28, 2015, acting on Department of Buildings Application No. 122229427, reads in pertinent part:

> "Proposed Physical Culture Establishment as defined by ZR 12-10, at the first through third floors is not permitted as-of-right in C1-9 Zoning District is contrary to ZR 32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site located within a C1-9 zoning district, a physical culture establishment ("PCE"), which operates on portions of the first, second and third floors of a three story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 15, 2015 after due notice by publication in *The City Record*, and then to decision on February 2, 2016; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application for a term of five years; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the south side of East 54th Street, between Second Avenue and Third Avenue, in a C1-9 zoning district, in Manhattan; and

WHEREAS, the site has approximately 100 feet along East 54th Street, 10,041 sq. ft. of lot area, and is occupied by a three (3) story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 22, 1924 when, under BSA Calendar No. 621-24-BZ, the Board granted a variance to allow, in a business district, the construction of a fireproof garage for more than five motor vehicles (the "1924 Grant"); and

WHEREAS, on September 12, 1944, under BSA Calendar No. 419-44-A, the Board granted an appeal waiving certain provisions of the Building Code to permit the temporary use of the three story parking garage building for storage until April 1945 (the "1944 Resolution"); and

WHEREAS, on March 6, 1945 and February 26, 1946, under BSA Calendar No. 419-44-A, the Board extended the term of the temporary storage use, the last expiring April 1, 1947; and

WHEREAS, on May 22, 1956, under BSA Calendar No. 156-56-A, the Board granted an appeal to waive the egress requirements in the parking garage (the "1956 Grant"); and

WHEREAS, on July 17, 1956 and January 20, 1959, under BSA Calendar No. 156-56-A, the Board amended its previous resolution to permit changes in the location of stairs; and

WHEREAS, on December 8, 1981, the Board granted a variance to permit the erection of a 31-story mixed use building under BSA Calendar No. 403-81-BZ and granted a waiver of the Multiple Dwelling Law ("MDL") in association with that project under BSA Calendar No. 404-81-A (the "1981 Resolutions"); and

WHEREAS, by letter dated June 12, 2014, the Board granted a request by a representative of the subject building owner to surrender the 1924 Grant and the 1956 Grant; and

WHEREAS, by expiration, the 1944 Resolution no longer effects the subject premises; and

WHEREAS, the applicant represents that the 31-story mixed use building was constructed pursuant to zoning and MDL regulations on another portion of the subject zoning lot and did not trigger the requirement for the 1981 Resolutions; and

WHEREAS, accordingly, none of the previous Board

grants are currently in effect; and

WHEREAS, the PCE occupies approximately 19,767 sq. ft. of floor area on the first, second and third floors of the subject building: 629 sq. ft. of floor area on the first floor for the entrance lobby, stair and elevators to the upper levels; 10,071 sq. ft. of floor area on the second floor for locker rooms, exercise equipment and the front desk; and 9,067 sq. ft. of floor area on the third floor with additional exercise areas, a stretching and training area and restrooms; and

WHEREAS, the PCE operates as Blink; and

WHEREAS, the PCE has been in operation since December 2015; and

WHEREAS, the PCE offers cardiovascular and weight training equipment for its members; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department, by letter dated December 9, 2015, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the proposed PCE will contain an approved interior fire alarm system connected to a Fire Department approved central station with automatic sprinklers; and

WHEREAS, the applicant has submitted documentation related to the installed fire alarm and sprinkler systems, including approved fire alarm plans, approved sprinkler plans, approved fire alarm application, and a "passed" sprinkler test report, but represents that final sign-offs have not yet been obtained; and

WHEREAS, the applicant asserts that sound attenuation measures will be installed throughout the PCE space to ensure that the sound level in other portions of the building does not exceed 45 dBA; and

WHEREAS, further, the applicant represents that the majority of its patrons will be residents and employees from the immediate neighborhood that will travel to the PCE by walking and that, while no parking is required for the proposed use in a C1-9 zoning district, there are a number of parking garages located within a block of the subject premises and available on-street parking for patrons who may arrive by car; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA201M, dated May 5, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located within a C1-9 zoning district, a physical culture establishment ("PCE"), which operates on portions of the first, second and third floors of a three story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 5, 2015"—Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 1, 2025;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the applicant shall obtain final signoff for the fire alarm system by the Fire Department;

THAT sound attenuation measures shall be implemented and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 15, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 2, 2016.

30-14-BZ
APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.
SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.
PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #11BK
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for adjourned hearing.

101-14-BZ
APPLICANT – Moshe M. Friedman PE, for Bais Yaakov D. Chassidei Gur, owner.
SUBJECT – Application May 8, 2015 – Variance (§72-21) to permit the vertical extension of an existing not for profit religious school. R5 zoning district.
PREMISES AFFECTED – 1975 51st Street, northwest corner of 20th Avenue and 51st Street, Block 05462, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #12BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for decision, hearing closed.

102-14-BZ
APPLICANT – Moshe M Friedman, P.E., for Cong. Tiferes Avrahom D'Zidichov, owner.
SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the extension of house of worship (UG4) (*Congregation Tifreres Avahom D'Zidichov*) in an existing building on the lot of a three story brick building located within an R3-2zoning district.
PREMISES AFFECTED – 4017 Avenue P, northerly side of Avenue P 40' westerly from the corner of the Northerly side of Avenue and the Westerly side of Coleman Street, Block 07859, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

240-14-BZ
APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.
SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.
PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

44-15-BZ
APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.
SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633) and rear setback requirements (§23-633(b). R8 zoning district.
PREMISES AFFECTED – 145 Central Park North, between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.
COMMUNITY BOARD #10M
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

52-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Liberty Avenue Development LLC, owner; Blink Liberty Avenue Inc., lessee.
SUBJECT – Application March 12, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a cellar and one-story commercial building. C2-3/R6B zoning district.
PREMISES AFFECTED – 102-16 Liberty Avenue,

southwest corner of intersection of Liberty Avenue and 103rd Street, Block 09523, Lot 5, Borough of Queens.
COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for deferred decision.

REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 2, 2016
1:00 P.M.

Present: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

Absent: Vice-Chair Hinkson.

ZONING CALENDAR

200-14-BZ
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
PREMISES AFFECTED – 46-05 Parsons Boulevard aka 147-08 46th Avenue, Block 05462, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for continued hearing.

329-14-BZ
APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.
PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

57-15-BZ
APPLICANT – Eric Palatnik, P.C., for Yossi Toleando, owner.
SUBJECT – Application March 13, 2015 – Variance (§72-21) to permit the development of a three-story, three family residential and to waive the side yard open space of the existing premises. R5/C1-3 zoning district.
PREMISES AFFECTED – 482 Logan Street, between Pitkin Avenue and Belmont Avenue Block 04227, Lot 30, Borough of Brooklyn.
COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

64-15-BZ
APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.
PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

169-15-BZ
APPLICANT – Francis R. Angelino, Esq., for 93 Worth Street Retail LLC, by Eldad Blaustein, owner; 93 Worth Gym, LLC, lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment ("*93*") to be operated within an existing building.
PREMISES AFFECTED – 93 Worth Street, Block 00173, Lot 7504, Borough of Manhattan.
COMMUNITY BOARD #1M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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2016-1217-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
MARCH 22, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 22, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

201-97-BZ
APPLICANT – Eric Palatnik, P.C., for Monroe Queens-Rockaway, LLC, owner.
SUBJECT – Application August 6, 2015 – Amendment of a previously approved Variance (§72-21) which permitted the erection and use of a one-story building as a non-conforming Use Group 6 drug store with accessory parking. The Amendment seeks to eliminate the term of the variance since the use is now permitted in the district. C2-3/R3-2 zoning district.
PREMISES AFFECTED – 119-02 Rockaway Boulevard, corner of Rockaway Boulevard and Lefferts Boulevard, Block 11712, Lot 28, Borough of Queens.
COMMUNITY BOARD #10Q

4-98-BZ
APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.
SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.
PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.
COMMUNITY BOARD #12Q

238-04-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for C-Squarewood LLC, owner; NYHRC, lessee.
SUBJECT – Application July 28, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment located in the cellar, first and mezzanine floors, of an existing twelve story mixed–use building, which expired on January 25, 2015; Waiver of the Rules. M1-5B zoning district.
PREMISES AFFECTED – 62 Cooper Square, Block 544, Lot 7501, Borough of Manhattan**.**
COMMUNITY BOARD #2M

APPEAL CALENDAR

106-15-A & 107-15-A
APPLICANT – Eric Palatnik, P.C., for Evan Zhang, owner.
SUBJECT – Application May 12, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 /36 of the General City Law. R4-1 zoning district.
PREMISES AFFECTED – 42-29 & 42-31 149th Street, Block 5380, Lot(s) 12, 13, Borough of Queens.
COMMUNITY BOARD #7Q

218-15-A
APPLICANT – Eric Palatnik, P.C., for Anthony Guglieri, owner.
SUBJECT – Application September 10, 2015 – Proposed construction of a four story, five dwelling unit, mixed use building (office and residential) on a lot that is partially located within the bed of a mapped street contrary to Article 3 Section 35 of the General City Law. C4-2 Zoning District.
PREMISES AFFECTED – 428 St. Marks Place, between Hyatt Street and Victory Boulevard, Block 016, Lot 119, Borough of Staten Island.
COMMUNITY BOARD #1SI

MARCH 22, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday, afternoon, March 22, 2016, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK

21-15-BZ
APPLICANT – Eric Palatnik, P.C., for Edward Nektalov, owner.
SUBJECT – Application February 5, 2015 –Special Permit (73-621) to for the enlargement of an existing one-family

dwelling which will not provide the required open space ratio. R1-2A zoning district.
PREMISES AFFECTED – 112-35 69th Avenue, between 112th Street and Grand Central Parkway Service Road, Block 2241, Lot 48, Borough of Queens.
COMMUNITY BOARD #6Q

39-15-BZ
APPLICANT – Bryan Cave, LLP, for Chun Woo Realty Corp., Owner.
SUBJECT – Application March 3, 2015 – Variance (§72-21) to permit the construction of a new 12 story, 37,166 sq., ft. office building (UG 6) with ground floor retail (UG 6) contrary to floor area (§33-122) and setback requirements (§32-24). C6-2A zoning district.
PREMISES AFFECTED – 74-76 Eighth Avenue, southeast corner of 8th Avenue and West 14th Street. Block 618, Lot 5. Borough of Manhattan.
COMMUNITY BOARD #2M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, FEBRUARY 9, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

585-91-BZ
APPLICANT – Paul F. Bonfilio Architect, PC, for Luis Mejia, owner; SAJ Auto Service, lessee.
SUBJECT – Application March 11, 2015 – Extension of Term (§11-411) a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on March 30, 2013; Waiver of the Rules. C1-3/R4 zoning district.
PREMISES AFFECTED – 222-44 Braddock Avenue, southeast corner of Braddock Avenue and Winchester Boulevard, Block 10740, Lot 0012, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the BSA Rules of Practice and Procedure, extend the term of and amend a variance previously granted by the Board under the subject calendar number, which expired on March 30, 2013; and

WHEREAS, a public hearing was held on this application on October 20, 2015, after due notice by publication in *The City Record*, with a continued hearing on December 15, 2015, and then to decision on February 9, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 13, Queens, recommended approval of this application on condition; and

WHEREAS, the subject site is located on the southeast corner of Braddock Avenue and Winchester Boulevard, within an R4 (C1-3) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 103 feet of frontage along Braddock Avenue and 92 feet of frontage along Winchester Boulevard, 9,350 sq. ft. total lot area, and is occupied by a one-story building with 1,611 sq. ft. of floor area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 14, 1958 when, under BSA Cal. No. 658-52-BZ, the Board granted a variance permitting the construction and maintenance of a gasoline service station with accessory uses, subject to a term of fifteen (15) years; and

WHEREAS, on May 20, 1958, under BSA Cal. No. 658-52-BZ, the Board granted an application to amend the variance as to the fences and walls; and

WHEREAS, on March 20, 1973, under BSA Cal. No. 658-52-BZ, the Board granted an extension of the variance for a term of ten (10) years, expiring March 20, 1983; and

WHEREAS, on January 17, 1984, under BSA Cal. No. 658-52-BZ, the Board waived its Rules of Practice and Procedure and granted an extension of the variance for a term of five (5) years, expiring March 20, 1988; and

WHEREAS, on April 11, 1989, under BSA Cal. No. 658-52-BZ, the Board granted an application for an extension of the variance for a term of ten (10) years, expiring March 20, 1998, and an amendment to enlarge the existing accessory building by adding one additional service bay and to permit parking for five (5) cars awaiting service; and

WHEREAS, subsequent to the 1989 amendment and extension, the owner of the property failed to obtain a certificate of occupancy for the premises within one year as required by the Board and the variance lapsed; and

WHEREAS, on March 30, 1993, under the subject calendar number, the Board granted an application to legalize the enlargement to the building previously approved by the Board, legalize the change in use to an automobile repair service with accessory automotive sales and accessory parking, discontinue the operation of gasoline sales, and extend the term of the lapsed variance for a term of ten (10) years; and

WHEREAS, on October 5, 2004, under the subject calendar number, the Board granted an application for the waiver of its Rules of Practice and Procedure, an extension of the variance for a term of ten (10) years, expiring March 30, 2013, and an amendment to permit the installation of an additional service bay; and

WHEREAS, the applicant filed the subject application more than one year before or less than two years after the expiration of the most recent term of the variance; and

WHEREAS, accordingly, the applicant now seeks a waiver of BSA Rules of Practice and Procedure § 1-07.3(b)(2); and

WHEREAS, the applicant has demonstrated that the use has been continuous since the expiration of the term and, considering that the current operator has been at the subject site for more than eight (8) years, substantial prejudice would result without such a waiver; and

WHEREAS, in addition, the applicant seeks to: (1) extend the term of the variance for an additional ten (10) years; (2) amend the variance to reflect that the previously approved enlargement was never built, the approved revised curb cut was not relocated, and one of the curb cuts on Braddock Avenue was not removed, per the terms of the Board's October 5, 2004 grant; and

WHEREAS, the Board's October 5, 2004 grant was conditioned on compliance with the BSA-approved plans submitted with the application, which indicated an enlargement of the one-story building located on the premises, as well as the removal and repositioning of the curb cut on Winchester

Boulevard and removal of one of the curb cuts on Braddock Avenue; and

WHEREAS, the enlargement was not constructed and the curb cuts were not removed and/or repositioned; and

WHEREAS, as a result, the curb cuts remain as they were when the building was first constructed more than sixty (60) years ago and the applicant asks that the board reexamine a requirement that the curb cuts be removed and repositioned; and

WHEREAS, in response to questions posed by the Board, the applicant submitted a site vehicle circulation plan and description to demonstrate that the existing placement of the curb cuts allows a smooth flow of vehicles and does not disturb areas on the site used to park cars awaiting service; and

WHEREAS, in response to concerns expressed by the Community Board, the applicant has agreed to remove the non-complying roof sign, reduce parking on site for vehicles awaiting service, and plant additional shrubs on the premises; and

WHEREAS, based on the record, Board finds that a ten (10) year extension of the variance and amendments of the grant reflecting the existing building and existing curb cut conditions is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated January 14, 1958, as amended through October 5, 2004, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of ten (10) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received February 9, 2016" – one (1) sheet and "March 11, 2015"-three (3) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from February 9, 2016, expiring February 9, 2026;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by February 9, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, February 9, 2016.

132-92-BZ

APPLICANT – Willy C. Yuin, RA, for Daniel Casella, owner.

SUBJECT – Application November 17, 2014 – Extension of Term of a previously approved variance (§72-21) which permitted day care use in the cellar of the subject premises in conjunction with a banquet hall use, which expired on Julye 19, 2014. R3X, Cl-1 SRD zoning district.

PREMISES AFFECTED – 3948 Amboy Road, between Hillside Terrace and Brown Avenue, Block 05142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to waive the BSA Rules of Practice and Procedure and extend the term of a variance previously granted by the Board under the subject calendar number, which expired on July 19, 2014; and

WHEREAS, a public hearing was held on this application on October 16, 2015 after due notice by publication in *The City Record*, with a continued hearing on January 12, 2016, and then to decision on February 9, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of this application; and

WHEREAS, the subject site is located on the south side of Amboy Road between Hillside Terrace and Brown Avenue, within an R3X (C1-1) zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, the site has approximately 100 feet of frontage along Amboy Road, 178 feet of frontage on Hillside Terrace, 130 feet of frontage along, 15,650 sq. ft. total lot area, and is occupied by a one-story plus cellar commercial building with 5,831 sq. ft. of floor area in the cellar and 5,717 sq. ft. of floor area on the first floor; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 23, 1920, under BSA Calendar Number 648-20-BZ, the Board granted a use variance for the construction of a one-story garage for more than five (5) vehicles; and

WHEREAS, the use was subsequently changed to a gasoline station and store without reference to the Board and on July 1, 1958, under BSA Calendar Number 648-20-BZ, the Board granted an application to extend gasoline service station and accessory parking; and

WHEREAS, on September 22, 1959 and November 1, 1960, under BSA Calendar Number 648-20-BZ, the Board granted applications to extend the time to complete work

pursuant to the July 1, 1958 variance; and

WHEREAS, on October 17, 1961, under BSA Calendar Number 648-20-BZ, the Board granted an application to amend the variance to comply with revised drawings for the site; and

WHEREAS, on December 11, 1985, under BSA Calendar Number 565-85-A, the Board granted an appeal to legalize an enlargement to the existing building located in the bed of the mapped street, however, this building was subsequently destroyed by fire; and

WHEREAS, on July 19, 1994, under the subject calendar number, the Board granted a variance to maintain existing retail uses (Use Group 6) on the first floor of the existing one-story plus cellar building and convert the accessory story use in the cellar to a banquet hall (Use Group 9), with a thirty (30) space accessory parking lot, for a term of ten (10) years to expire on July 19, 2004; and the grant was conditioned, *inter alia*, on the banquet hall being limited to one function at a time and operating non-simultaneously with the retail food store on the ground floor; and

WHEREAS, at the time of the 1994 Board action, the site was partially within an R3-1 zoning district and partially within an R3-1 (C1-1) zoning district, and in the Special South Richmond Development District; and

WHEREAS, on February 1, 2000, under the subject calendar number, the Board granted an application to amend the resolution to delete the condition that the banquet hall be limited to one function at a time and, considering that the premises formerly occupied as a retail space were occupied as a school facility (Use Group 4), requiring prior Board approval for any subsequent change in occupancy; and

WHEREAS, on February 3, 2004, under the subject calendar number, the Board waived its Rules of Practice and Procedure and extended the term of the variance for an additional ten (10) years, expiring July 19, 2014; and

WHEREAS, the applicant filed the subject application more than one year before or less than two years after the expiration of the most recent term of the variance; and

WHEREAS, accordingly, the applicant now seeks a waiver of BSA Rules of Practice and Procedure § 1-07.3(b)(2); and

WHEREAS, the applicant has demonstrated that the use has been continuous since the expiration of the term and substantial prejudice would result without such a waiver; and

WHEREAS, in addition, the applicant seeks to extend the term of the variance for an additional ten (10) years; and

WHEREAS, subsequent to the last Board action, the zoning of the subject lot has changed to the present R3X (C1-1); and

WHEREAS, the applicant does not seek a change in the hours of operation of the banquet hall, Monday through Friday 7:00 p.m. to 11 p.m., Saturday 8:00 p.m. to 12:00 a.m., and Sunday 4:00 p.m. to 8:00 p.m.; and

WHEREAS, based on the record, Board finds that a ten (10) year extension of the variance with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated July 19, 1994, as amended through February 3, 2004, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of ten (10) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received June 9, 2015'-three(3) sheets; 'February 2, 2016" –one (1) sheet and 'February 9, 2016'-one(1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from July 19, 2014, expiring July 19, 2024;

THAT the banquet hall shall be limited to one function at a time and shall be operated non-simultaneously with the retail use on the ground floor;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT no events shall be held in the parking lot or on the front of the site;

THAT the banner located on the site shall be removed;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by February 9, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, February 9, 2016.

226-09-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun enterprises LLC, owner; NYHRC, lessee.

SUBJECT – Application June 24, 2015 – Extension of Term of a special permit (73-11) for a physical culture establishment on the third floor of an existing mixed-use building and for extension of time to obtain a Certificate of Occupancy and Waiver. C6-1 zoning district.

PREMISES AFFECTED – 24 East 13th Street, Block 0570, Lot 017, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for decision, hearing closed.

35-10-BZ
APPLICANT –Sheldon Lobel, P.C., for Torath Haim Ohel Sara, owner.
SUBJECT – Application September 24, 2014 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved Variance (§72-21) which permitted the legalization of an existing synagogue (Congregation Torath Haim Ohel Sara), contrary to front yard (§24-34), side yard (§24-35) and rear yard (§24-36), which expired on March 8, 2012; Amendment to permit minor changes to the construction; Waiver of the rules. R4 zoning district.
PREMISES AFFECTED – 144-11 77th Avenue, between Main Street and 147th Street, Block 6667, Lot 45, Borough of Queens.
COMMUNITY BOARD #8Q
ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

227-10-BZ
APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.
SUBJECT – Application April 16, 2015 – Amendment (§11-412) of a previously approved variance permitting the operation of an automotive service station (UG 16B). The amendment seeks to install a canopy, replace gasoline storage tanks, increase the number of parking spaces, add ADA accessible ramp and accessory parking spaces. R3-2/C2-2 zoning district.
PREMISES AFFECTED – 204-12 Northern Boulevard, northern Boulevard between 204th Street and Clearview Expressway, Block 07301, Lot 11, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

114-15-A thru 125-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rossville AME Zion Church, owner; Jade's Path, LLC, lessee.
SUBJECT – Application May 27, 2015 – Proposed construction of a single family home that does not front on a legally mapped street, contrary to General City Law Section 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 9, 11, 15, 17, 21, 23, 27, 29, 33, 35, 41 thru 43 Jade Court, Block 07267, Lot 0299, 0298, 0297, 0296, 0295, 0094, 0293, 0292, 0092, 0289, west side of Bloomingdale Road, approx. 346' south of intersection with Clay Pit Road, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated April 28, 2015 acting on DOB Application Nos. 520240551, 520240533, 520240506, 520240542, 520240524, 520240515, 520240490, 520240481, 520240472, 520240463, 520240454 and 520240445, read in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a residence which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on December 1, 2015 after due notice by publication in *The City Record*, with a continued hearing on January 22, 2016, and then to decision on February 9, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of Bloomingdale Road, between Clay Pit Road and Marisa Circle, within an R3-1 zoning district and the Special South Richmond Development District, on Staten Island; and

WHEREAS, the applicant represents that the subject

premises will consist of twelve (12) tax and zoning lots apportioned from existing tax Lots 89, 92, and 94 within Block 7267, which have a total lot area of 53,897 sq. ft., apportioned as follows: New Lot 299 (11,019 sq. ft.), New Lot 298 (4,108 sq. ft.), New Lot 297 (4,115 sq. ft.), New Lot 296 (4,122 sq. ft.), New Lot 295 (4,129 sq. ft.), New Lot 294 (4,136 sq. ft.), New Lot 94 (4,142 sq. ft.), New Lot 293 (4,141 sq. ft.), New Lot 292 (4,138 sq. ft.), New Lot 92 (3,943 sq. ft.), New Lot 289 (2,900 sq. ft.), and New Lot 89 (3,004 sq. ft.); and

WHEREAS, the applicant proposes to develop each of the twelve (12) new lots with a two (2) story, one family dwelling, which will comply and conform with all requirements of the underlying R3-1 (SRD) zoning district, including all requirements of the Special South Richmond Development District and provision of two (2) accessory parking spaces per building, and have floor area and floor area ratio ("FAR") as follows: New Lot 299 (1,901 sq. ft. and 0.17 FAR), New Lot 298 (1,684 sq. ft. and 0.41 FAR), New Lot 297 (1,684 sq. ft. and 0.41 FAR), New Lot 296 (1,684 sq. ft. and 0.41 FAR), New Lot 295 (1,684 sq. ft. and 0.41 FAR), New Lot 294 (1,684 sq. ft. and 0.41 FAR), New Lot 94 (1,684 sq. ft. and 0.41 FAR), New Lot 293 (1,684 sq. ft. and 0.41 FAR), New Lot 292 (1,684 sq. ft. and 0.41 FAR), New Lot 92 (1,684 sq. ft. and 0.43 FAR), New Lot 289 (1,445 sq. ft. and 0.50 FAR), and New Lot 89 (1,445 sq. ft. and 0.48 FAR); and

WHEREAS, each of the dwellings planned for the subject premises will front only on Jade Court, a proposed private road not duly placed on the official map of the City of New York, accessible from the west side of Bloomingdale Road, and proposed to be paved and improved as a 272 foot extension from Bloomingdale Road to a width of 34 feet; and

WHEREAS, pursuant to New York City Fire Code ("Fire Code") § 503.2.9, a turnaround is not required for dead-end apparatus access roads more than 150 feet but not more than 400 feet in length if all buildings served by the road that are further than 150 feet from the curb line of the nearest public street that is not a dead-end are protected throughout by a sprinkler system; and

WHEREAS, the applicant represents that Jade Court will extend approximately 272 feet from Bloomingdale Road, the nearest public street that is not a dead end, and each of the dwellings proposed to be located on the subject premises will be fully sprinklered throughout and, thus, no turnaround is necessary; and

WHEREAS, by letter dated December 2, 2015, the Fire Department stated that it had no objections to the proposal but the following recommendations: (1) there shall be no parking on both sides and for the entire length of Jade Court so as to provide the required frontage space per Fire Code § 504.1; (2) no parking signs, complying with Fire Code § 503.2.7.2.1, will be installed along both sides of Jade Court; (3) a note will be added to the drawings indicating that the Home Owners Association ("HOA") will assume the legal responsibility for compliance of the parking restriction; (4) a formal restrictive declaration, citing the parking restrictions and naming the HOA as the entity that will be legally responsible for compliance, subject to enforcement actions of the Fire Commissioner, will be filed; and

WHEREAS, in response to the Fire Department's recommendations, the applicant provided the Board with a draft restrictive declaration citing the parking restrictions to be filed and recorded; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 28, 2015 acting on DOB Application Nos. 520240551, 520240533, 520240506, 520240542, 520240524, 520240515, 520240490, 520240481, 520240472, 520240463, 520240454 and 520240445, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 27, 2016"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT there shall be no parking on both sides and for the entire length of Jade Court so as to provide the required frontage space per Fire Code § 504.1;

THAT no parking signs, complying with Fire Code § 503.2.7.2.1, will be installed along both sides of Jade Court;

THAT a note will be added to the drawings indicating that the Home Owners Association ("HOA") will assume the legal responsibility for compliance of the parking restriction;

THAT the restrictive declaration submitted in connection with this application shall be recorded in the Office of the City Register in Richmond County and proofs of filings and recordation will be provided to the Board;

THAT the recorded restrictive declaration shall substantially conform to the form and substance of the following:

DECLARATION made this ____ day of _____ 2016 by [*Jade's Path LLC, future owner, or future HOA*], hereinafter referred to as the "Declarant," located at [*address of Declarant*].

WHEREAS, the Declarant is the [*contract vendee, HOA or owner*] of certain lands located in the City and State of New York, Borough of Staten Island, designated as Block 7267 Lots 89, 92, 94, 289, 292, 293, 294, 295, 296, 297, 298, 299 to be apportioned from existing Lots 89, 92 and 94 as depicted on the Tax Map of the City of New York, hereinafter referred to as Parcel A (the "Subject Premises"), more particularly depicted by the Application for Mergers and Apportionments (RP602 form) approved by the Department of Finance on September 22, 2014 set forth in Schedule A annexed hereto and by this reference made a part hereof.

WHEREAS, the Declarant has requested the New York City Board of Standards and Appeals (the "BSA") act upon BSA Cal. Nos. 114-15-A

through 125-15-A to appeal the decisions of the Staten Island Borough Commissioner, under application numbers: 520240445, 520240454, 520240463, 520240472, 520240481, 520240490, 520240506, 520240515, 520240524, 520240533, 520240542, 520240551 (the "Subject Applications"), pursuant to Article III, Section 36 of the General City Law, denying permits as a result of the Street giving access to the proposed buildings not being duly placed on the official map of the City of New York; and

WHEREAS, the BSA, requires Declarant to execute and file this restrictive declaration prior to obtaining a Certificate of Occupancy for each of the buildings constructed pursuant to the Subject Applications.

NOW, THEREFORE, in consideration of BSA approvals to allow the proposed construction of buildings not fronting on a legally mapped street, contrary to General City Law 36, Declarant does hereby declare that Declarant and his successors and/or assigns shall be legally responsible for operating and maintaining the Subject Premises in compliance with the parking restrictions of the FDNY's letter of December 2, 2015 as follows:

1) There shall be no parking on both sides and for the entire length of Jade Court. This is required so as to provide the required frontage space per Fire Code FC 504.1.
2) No parking signs, complying with Fire Code FC 503.2.7.2.1, will be installed along both sides of Jade Court.
3) A note will be added to the drawings indicating that the Home Owners Association (HOA) [*or property owner*] will assume the legal responsibility for compliance of the parking restrictions.
4) A formal Restrictive Declaration will be filed. The Restrictive Declaration shall cite the parking restrictions and will name the HOA [*or property owner*] as the entity that will be legally responsible for compliance, subject to enforcement actions of the Fire Commissioner.

Such compliance shall be subject to enforcement by the Fire Commissioner.

1. This declaration may not be modified, amended or terminated without the prior written consent of the BSA;
2. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;
3. Failure to comply with the terms of this declaration may result in the revocation of a building permit or Certificate of Occupancy or any authorization or waiver granted by the BSA; and
4. This declaration shall be recorded at the city register's office against the Subject Premises and the cross-reference number and title of the declaration shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to any building located on the Subject Premises and in any deed for the conveyance thereof.

THIS DECLARATION IS ONLY EFFECTIVE UPON APPROVAL BY THE BOARD OF STANDARDS AND APPEALS OF THE APPLICATIONS FILED UNDER CAL. NOS. 114 TO 125-15-A.

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT all necessary approvals from the Department of City Planning (DCP) shall be obtained;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2016.

181-15-A thru 186-15-A

APPLICANT – Eric Palatnik, P.C., for Joseph McGinn, owner.

SUBJECT – Application August 13, 2015 – Proposed construction of single family residences not fronting on a legally mapped street, contrary to General City Law Section 36. R1-1 zoning district.

PREMISES AFFECTED – 7, 11, 15, 23, 27 Carriage Court, Block 866, Lot(s) 389, 388, 387, 386, 385, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated October 26, 2015 acting on DOB Application Nos. 52023300, 520233319, 520233328, 520233337, 520233346, and 520233355, read in pertinent part:

The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:

A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City

Law;

B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of residences which do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on December 8, 2015 after due notice by publication in *The City Record*, and then to decision on February 9, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommended approval of this application; and

WHEREAS, the subject site is located on the west side of Circle Road, between Westminster Court and Redmond Avenue, within an R1-1 zoning district and the Special Natural Area District, on Staten Island; and

WHEREAS, the subject premises consist of seven tax lots apportioned from a single zoning lot (Block 866, Lot 382), including the six tax lots that are the subject of this application (New Lots 389, 388, 387, 386, 385 and 384) which each have 167,576 sq. ft. of lot area and together have a total lot area of 1,005,456 sq. ft.; and

WHEREAS, the seventh tax lot, the northernmost section of Existing Lot 382 which is not the subject of this application, is unsuitable for development and will remain undeveloped; and

WHEREAS, the subject premises is currently improved with a single-family residence; and

WHEREAS, the applicant proposes to demolish the existing house and develop a single-family residence with an accessory swimming pool and patio on each of the six new tax lots with floor area, floor area ratio ("FAR") and total height as follows: New Lot 389: 4,957 sq. ft. of floor area, 0.03 FAR, total height of 35 ft.; New Lot 388: 5,590 sq. ft. of floor area, 0.03 FAR, total height of 35 ft.; New Lot 387: 6,295 sq. ft. of floor area, 0.04 FAR, total height of 35 ft.; New Lot 386: 5,943 sq. ft. of floor area, 0.04 FAR, total height of 35 ft.; New Lot 385: 6,924 sq. ft. of floor area, 0.04 FAR, total height 35 ft.; and New Lot 384: 6,513 sq. ft. of floor area, 0.04 FAR, total height of 35 ft.; and

WHEREAS, the proposed residences will comply with the underlying R1-1 and Special Natural Area District regulations; and

WHEREAS, on December 19, 2012, pursuant to ZR §§ 105-421, 105-422 and 105-425, the New York City Department of City Planning approved application N 110245 ZAR authorizing development on the subject site, site alteration on a portion of the subject site having a steep slope, and modification of the botanic environment to facilitate the subject development within the Special Natural Area District; and

WHEREAS, each of the proposed residences will front only on Carriage Court, a proposed private road not duly placed on the official map of the City of New York; and

WHEREAS, Carriage Court will be accessible from Circle Road, a road with two-way vehicular traffic, paved and improved as a 481 ft. long road with 4 ft. wide sidewalks, four fire hydrants along its length, and a 70 ft. diameter cul-de-sac at its end with a fire hydrant; and

WHEREAS, by letters dated October 1, 2015 and December 10, 2015, the Fire Department stated that it had no objections to the proposal provided the following were made conditions of a grant of the relief: (1) all buildings must be fully sprinklered in accordance with the provisions of The New York City Fire Code Section 503.8.2 as well as Chapter 9 of the New York City Building Code and a note indicating that each building will be fully sprinklered must be placed on the final approved plans; (2) each building shall be provided with interconnected smoke alarms, designed and installed in accordance with the New York City Building Code Section 907.2.10; (3) the curb to curb width of the street shall not be less than 34 ft. at any point and parking is not permitted anywhere along the private road, and signs shall be placed approximately every 150 ft. constructed according to the specifications listed in the New York City Fire Code Section 503; (4) the roadway grade shall not exceed 10 percent; and (5) a restrictive declaration, citing the parking restrictions and naming the HOA as the entity legally responsible for compliance subject to enforcement actions of the Fire Commissioner, will be filed; and

WHEREAS, in response to the Fire Department's recommendations, the applicant clarified that each of the residences will have a two-car built-in garage accessed by driveways connected to Carriage Court; parking will not be permitted along Carriage Court and such notice will be given by signs placed every 150 ft. along Carriage Court; Carriage Court will be a minimum of 34 ft. wide from curb to curb at an approximately 5 percent grade; and each dwelling will contain sprinklers and interconnected smoke alarms in accordance with The New York City Fire Code; the applicant has also provided the Board with a draft restrictive declaration citing the parking restrictions to be filed and recorded; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 28, 2015 acting on DOB Application Nos. 52023300, 520233319, 520233328, 520233337, 520233346, and 520233355, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received February 5, 2016"-One (1) sheets; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT all buildings must be fully sprinklered in

accordance with the provisions of The New York City Fire Code Section 503.8.2 as well as Chapter 9 of The New York City Building Code and a note indicating that each building will be fully sprinklered must be placed on the final approved plans;

THAT each building shall be provided with interconnected smoke alarms, designed and installed in accordance with The New York City Building Code Section 907.2.10;

THAT the curb to curb width of the street shall not be less than 34 ft. at any point and parking is not permitted anywhere along the private road, and signs shall be placed approximately every 150 ft. constructed according to the specifications listed in The New York City Fire Code Section 503;

THAT the roadway grade shall not exceed 10 percent;

THAT the restrictive declaration submitted in connection with this application shall be recorded in the Office of the City Register in Richmond County and proofs of filings and recordation will be provided to the Board;

THAT the recorded restrictive declaration shall substantially comply to the form and substance of the following:

DECLARATION made this _____,

by Joseph McGinn, hereinafter referred to as the "Declarant," residing at 101 Circle Road, Staten Island, New York.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of Staten Island, designated as Block 866, Lots 382, 384, 385, 386, 387, 388, 389 on the Tax Map of the City of New York, hereinafter referred to as Parcel A (the "Subject Premises"), more particularly described by a metes and bounds description set forth in Schedule A annexed hereto and by this reference made a part hereof;

WHEREAS, the Declarant has requested that the New York City Board of Standards and Appeals (the "BSA") act upon BSA Cal. Nos. 181-15-A through 185-15-A to appeal the decisions of the Staten Island Borough Commissioner, under application numbers: 520233300; 520233319, 520233328; 520233337; 520233346; 520233355, pursuant to Article III, Section 36 of the General City Law, denying permits on the basis that the street giving access to the proposed buildings is not duly placed on the official map of the City of New York; and

WHEREAS, the BSA, requires Declarant to execute and file this restrictive declaration prior to obtaining a Certificate of Occupancy for the subject Premises.

NOW, THEREFORE, in consideration of BSA approval to allow the proposed construction of single family residences not fronting on a legally mapped street, contrary to General City Law 36, Declarant does hereby declare that Declarant and his successors and/or assigns shall be legally responsible for operating and maintaining the Subject Premises in compliance with the following parking restrictions of the FDNY's letters of October 1, 2015 and December 10, 2015 (As listed on the proposed site plan dated February 5, 2016), and that such compliance shall be subject to enforcement by the Fire Commissioner.

1. *All buildings must be fully sprinklered in accordance with the provisions of the New York City Fire Code Section 503.8.2 as well as Chapter 9 of the New York City building code. A note indicating that each building will be fully sprinklered must be placed on the final approved plans;*
2. *Each building shall be provided with interconnected smoke alarms, designed and installed in accordance with the New York City Building Code Section 907.2.10;*
3. *The curb to curb width of the street shall not be less than 34 feet at any point and parking is not permitted anywhere along the private road. Signs shall be placed approximately every 150 feet constructed according to the specifications listed in the fire code section 503;*
4. *The roadway grade shall not exceed 10%.*

1. This declaration may not be modified, amended or terminated without the prior written consent of the BSA;
2. The covenants set forth herein shall run with the land and be binding upon and inure to the benefits of the parties hereto and their respective heirs, legal representatives, successors and assigns;
3. Failure to comply with the terms of this declaration may result in the revocation of a building permit or Certificate of Occupancy as well as any other authorization or waiver granted by the BSA; and
4. This declaration shall be recorded t the city register's office against the Subject Premises and the cross-reference number and title of the declaration shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to any building located on the Subject Premises and in any deed for the conveyance thereof.

THIS DECLARATION IS ONLY EFFECTIVE UPON APPROVAL BY THE BOARD OF STANDARDS AND APPEALS OF THE APPLICATIONS FILED UNDER CAL. NOS. 181-15-A TO 185-15-A.

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT all necessary approvals from the Department of City Planning (DCP) shall be obtained;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other

applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2016.

234-14-A
APPLICANT – Law Offices of Marvin B. Mitzner, for Ohmni Properties, owners.
SUBJECT – Application September 29, 2014 – Appeal of the NYC Department of Buildings' determination to not revoke a Certificate of Occupancy issued in 1989 and reinstate the Certificate of Occupancy issued in 1985.
PREMISES AFFECTED –738 East 6th Street, south side of East 6th Street between Avenue C and Avenue D, Block 00375, Lot 0028, Borough of Manhattan.
COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

65-15-BZ & 66-15-A
APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.
SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.
PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for deferred decision.

ZONING CALENDAR

319-14-BZ
CEQR #15-BSA-126R
APPLICANT – Eric Palatnik, P.C., for Shore Plaza LLC, owner; Staten Island MMA1, Inc., lessee.
SUBJECT – Application December 5, 2014 – Special Permit (§73-36) to permit the legalization of a physical culture establishment (*UFC Gym*). C43 zoning district.
PREMISES AFFECTED – 1781 South Avenue, within West Shore Plaza 1745-1801 South Avenue, Block 02800, Lot 37, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 10, 2014, acting on Department of Buildings Application No. 510032420, reads in pertinent part:

> "ZR 73-36: Proposed culture establishment in a C4-3 zoning district is not permitted as-of-right and a special permit by the Board of Standards and Appeals is required as per ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C4-3 zoning district, a physical culture establishment (PCE), which operates in a portion of a one-story building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 2, 2015, after due notice by publication in *The City Record*, with continued hearings on July 21, 2015, July 28, 2015, September 22, 2015, and December 1, 2015, and then to decision on February 9, 2016; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the south side of South Avenue, between Meredith Avenue and the West Shore Expressway; and

WHEREAS, the site has approximately 1,349 feet of frontage along South Avenue, 903 feet of frontage along Meredith Avenue, 681,100 sq. ft. of lot area, and is occupied by a one-story commercial strip mall with 254,926 sq. ft. of floor area operating as West Shore Plaza (the "Mall"); and

WHEREAS, the PCE occupies approximately 7,952 sq. ft. of floor area in the Mall and has been in operation since June 17, 2014; and

WHEREAS, the PCE operates as UFC Gym; and

WHEREAS, the PCE's hours of operation are: Monday through Thursday 6:00 a.m. to 10:00 p.m., Friday 6:00 a.m. to 9:00 p.m., Saturday 8:00 a.m. to 4:00 p.m., and Sunday 8:00 a.m. to 2:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, because the subject application is for a legalization, the Board asked the applicant to confirm that it has installed and received sign-off for the sprinkler system and has filed a permit for the installation of a fire alarm system within the PCE space; and

WHEREAS, the applicant represents, and the Department of Buildings ("DOB") has confirmed, that both have been installed pursuant to permits issued by the DOB under Job Nos. 510046647 and 510056403 and the applicant has provided the Board with photographs of the installed system at the subject premises; and

WHEREAS, the Fire Department has further represented that an inspection of the fire alarm system has been scheduled; and

WHEREAS, the Fire Department, by letter dated May 20, 2015, states that it has no objections to the proposal; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA126R, dated May 6, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site within a C4-3 zoning district, a physical culture establishment, which operates in a portion of a one-story building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 5, 2014"-Three (3) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on June 17, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT sound attenuation measures shall be implemented and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 9, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2016.

52-15-BZ
CEQR #15-BSA-171Q

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Liberty Avenue Development LLC, owner; Blink Liberty Avenue Inc., lessee.

SUBJECT – Application March 12, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a cellar and one-story commercial building. C2-3/R6B zoning district.

PREMISES AFFECTED – 102-16 Liberty Avenue, southwest corner of intersection of Liberty Avenue and 103rd Street, Block 09523, Lot 5, Borough of Queens.

COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated February 26, 2015 acting on Department of Buildings Application No. 420650735, reads in pertinent part:

> "ZR 32-10, ZR 73-36: Proposed Physical Culture Establishment is not permitted as-of-right within C2-3 districts. Only allowed by BSA Special Permit pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a R6B (C2-3) zoning district, the operation of a physical culture establishment (PCE) in a one-story plus cellar commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 12, 2016 after due notice by publication in *The City Record*, with a continued hearing on February 2, 2016, and then to decision on February 9, 2016; and

WHEREAS, Community Board 10, Queens, recommends approval of this application subject to certain conditions; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-

Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of Liberty Avenue and 103rd Street, in Queens; and

WHEREAS, the subject site was rezoned to R6B (C2-3) pursuant to the Ozone Park Rezoning in 2013;

WHEREAS, the site has approximately 100 feet of frontage along Liberty Avenue, 98 feet of frontage along 103 Street, and 9,646 sq. ft. of lot area; and

WHEREAS, the site was previously developed as an accessory parking lot and is now being developed as a one-story plus cellar commercial building with approximately 9,642 sq. ft. of floor area on the first floor and 8,008 sq. ft. of floor area in the cellar; and

WHEREAS, the proposed PCE will occupy the entirety of the cellar (8,008 sq. ft.) and 8,358 sq. ft. of the first floor, with the remainder of the first floor to be occupied by an unrelated commercial use; and

WHEREAS, the PCE will contain facilities for class instruction and programs for physical improvement, body building, weight reduction and aerobics; patrons will access the PCE from a first floor entrance off of Liberty Avenue; the first floor will include fitness areas, the reception area, a retail area, and office and storage areas; the cellar will include locker rooms, additional fitness areas and mechanical space; and access between the two floors will be provided by an internal elevator and stair; and

WHEREAS, the PCE will be operated as Blink Fitness; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and issued a Notice to Proceed, dated April 15, 2014,

WHEREAS, the New York City Office of Environmental Remediation (OER) reviewed the March 2014 Remedial Action Work Plan, April 2014 Stipulation List, the March 2014 Noise Remedial Action Plan and the Construction Health and Safety Plan for the entire building located on the subject premises (OER Project # 14EH-N350Q) and issued a Notice to Proceed, dated April 15, 2014, requesting that (1) a Remedial Closure Report certified by a Professional Engineer be submitted to OER upon completion of site remediation and construction; (2) windows and door assemblies manufactured by Stiles be installed in order to maintain interior noise levels of 45 dBA; and (3) six HVAC units will be installed in order to meet the Alternate Means of Ventilation requirement; and

WHEREAS, the Fire Department, by letter dated December 29, 2015, states that it has no objections to the proposal;

WHEREAS, the applicant represents that the entire PCE space will be fully sprinklered and that an approved interior fire alarm system will be installed in the entire PCE space that will include area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection of the interior fire alarm to an FDNY approved central station; and

WHEREAS, with regards to sound attenuation, the applicant further represents that noise abatement measures will be provided within the PCE space to ensure that the sound level in other portions of the building, including noise from any sound systems that may be installed, do not exceed the maximum noise level of 45 dBA; and

WHEREAS, specifically, 6mil rubber flooring with an STC rating of 45 will be installed throughout the fitness areas on both the cellar and first floor levels and 3-1/2" fiberglass sound insulation that achieve an STC rating of 50 will be installed along the exterior walls of the building; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood; impair the use or development of adjacent properties; nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA171Q, dated 3/12/2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located within a R6B (C2-3) zoning district, the operation of a physical culture establishment (PCE) in a one-story plus cellar commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 4, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 9, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all partitions and exits shall be as approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and pathways shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system, including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and a connection of the interior faire alarm to an FDNY approved central station, shall be installed in the entire PCE space;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the entire PCE space shall be fully sprinklered;

THAT noise abatement shall be approved in the PCE space to ensure that the sound level in the other portions of the building does not exceed the maximum interior noise level of 45 dBA, including sound emanating from any sound system if installed, approved by the NYC DEP and/or other regulatory authority;

THAT building shall comply with requirements of OER Project #14EH-N350Q, as indicated on the approved plans;

THAT a remedial closure report certified by a Professional Engineer shall be submitted to OER upon completion of the remedial mitigation remedy as per OER Project #14EH-N350Q NTP requirements and as indicated on the approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 9, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2016.

76-15-BZ

APPLICANT – Law Office of Lyra Altman, for Adi Weiss and Osher Douck, owners.

SUBJECT – Application April 6, 2015 – Special Permit (§73-622)for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (ZR 23-141); perimeter wall height (ZR 23-631); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R3-2 zoning district.

PREMISES AFFECTED – 1825 East 22nd Street, east side of East 22nd Street between Quentin Road and Avenue R, Block 06805, Kit 0057, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 24, 2015, acting on DOB Application No. 321059518, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required;
3. Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted;
4. Proposed plans are contrary to ZR 23-631 in that the perimeter wall height exceeds the maximum permitted;
5. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required;
6. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R3-2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space, lot coverage, perimeter wall height, side yards and rear yards contrary to ZR §§ 23-141, 23-631, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on February 9, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 22nd Street, between Quentin Road and Avenue R, in an R3-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 30 feet of frontage along East 22nd Street, a depth of 100 feet, and 3,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story plus cellar, single-family residence with approximately 1,757 sq. ft. of floor area (0.59 FAR); and

WHEREAS, the existing dwelling does not comply with the floor area and FAR maximums (1,500 sq. ft. and 0.5 FAR) permitted in an R3-2 zoning district; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single*- or *two*

family detached or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the dwelling from 1,757 sq. ft. to 2,357 sq. ft., increase the FAR from 0.59 FAR to 0.79 FAR, decrease the open space from 68 percent of the zoning lot to 58 percent of the zoning lot, increase the lot coverage from 32 percent to 42 percent, maintain a non-complying perimeter wall with a height of 22'-4", maintain a non-complying side yard of 3'-0" and decrease the rear yard from 40'-3" to 25'-3"; and

WHEREAS, in response to questions posed by the Board, the applicant provided, *inter alia*, a floor area comparison study indicating the FAR of all buildings on the subject block and surrounding blocks with floor area ratios equal to or greater than the 0.50 FAR maximum permitted in an R3-2 zoning district, a lot coverage study showing the lot coverage of buildings within a 400 ft. radius of the subject premises, and a rear yard comparison study showing the dimensions of the rear yards of buildings on the same block as the subject premises; and

WHEREAS, while there are only six (6) residential properties on the subject block with floor area ratios equal to or greater than the 0.79 FAR proposed in the subject application, the Board notes that all of the additional square footage proposed in the subject application will be added to the rear of the building and the additional massing will not be discernable from the street; and

WHEREAS, the applicant represents that the proposal will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space, lot coverage, perimeter wall height, side yards and rear yards contrary to ZR §§ 23-141, 23-631, 23-461 and 23-477; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 1, 2016"- twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,357 sq. ft. (0.79 FAR), a minimum of 58 percent open space, a maximum of 42 percent of lot coverage, a perimeter wall with a maximum height of 22'-4", side yards of at least 8'-6" and 3'-0", and a minimum 25'-3" rear yard, all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the

Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 9, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2016.

63-15-BZ

APPLICANT – Sheldon Lobel, P.C., for Sutton Owners Corporation, Inc., owner; Harriet Harkavy, Esq., lessee.

SUBJECT – Application March 23, 2015 – Variance (§72-21) to legalize the three existing enclosures of portions of the terrace of Unit PHC located on the penthouse floor of the premises. R10 zoning district.

PREMISES AFFECTED – 35 Sutton Place, corner through-lot with frontage on 59th Street between Sutton Place and Riverview Terrace, Block 01372, Lot 73, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Off-Calendar.

REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 9, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

252-15-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Yaakov Max, owner.

SUBJECT – Application November 2, 2015 – Special Permit (§73-622) to permit an enlargement of an existing two-family home to be converted to a single family home contrary to floor area and open space (ZR 23-141(b)); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1120 East 24th Street, Block 7623, Lot 053, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 22, 2016, at 1 P.M., for postponed hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-1218-A
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2016-1219-BZ
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2016-1220-A
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2016-1221-BZ
269 West 23rd Street, north side of West 23rd Street between 7th and 8th Avenues, Block 00773, Lot(s) 9, Borough of **Manhattan, Community Board: 4**. Special Permit (§73-36) to permit a physical culture establishment (Row House) on the second floor of an existing commercial building. C2-7A zoning district.

2016-4121-BZ
555 5th Avenue, northeast corner of the intersection of 5th Avenue and 15th Street., Block 01042, Lot(s) 1, Borough of **Brooklyn, Community Board: 6**. Special Permit (§73-36) to operate a physical culture establishment (Crunch) within an existing building. C4-3A zoning district.

2016-4122-BZ
902-912 Quentin Road, southeast corner of the intersection of Quentin Road and East Ninth Street, Block 06666, Lot(s) 1, 5, 8, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-44) to reduce the required number of accessory parking spaces contrary to §36-21 for ambulatory diagnostic or treatment facility use (UG 4) from eighty seven (87) to forty four (44) parking spaces. C8-2/C4-2 zoning district.

2016-4123-BZ
168 Havemeyer Street, Havemeyer Street between South 2nd and 3rd Streets., Block 02420, Lot(s) 30, Borough of **Brooklyn, Community Board: 1**. Special Permit (§73-44) to allow the reduction of required parking for the use group 4 ambulatory diagnostic treatment healthcare facility. C1-3/R6 zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
APRIL 5, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 5, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

364-82-BZ
APPLICANT – Troutman Sanders LLP, for Little Neck Commons LLC, owner; Bally's Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy for a previously approved Special Permit which permitted the operation of a Physical Cultural establishment; Amendment to reflect a change in owner/operator. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 245-24 Horace Harding Expressway, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q

229-84-BZ
APPLICANT – Troutman Sanders LLP, for High Definition Realty, LLC, owner; Bally Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy and Amendment (§73-11) of a previously granted special permit (§73-36) to reflect a change in ownership from Bally Total Fitness to 24 Hour Fitness, Inc., Also to include the replacement of accessory business signs to reflect the 24 Hour Fitness logo, located. M1-1 zoning district.
PREMISES AFFECTED – 75-28 Queens Boulevard, Block 2450, Lot 0001, Borough of Queens.
COMMUNITY BOARD #4Q

APPEALS CALENDAR

138-11-A
APPLICANT – Sheldon Lobel, P.C., for 64-01 Woodside Realty, Inc., owner.
SUBJECT – Application December 11, 2015 – Extension of Time to Complete Construction of a previously granted common law vesting rights application.
PREMISES AFFECTED – 64-01 Woodside Avenue, north side of Woodside Avenue, between 64th and 65th Streets, Block 01296, Lot 75, Borough of Queens.
COMMUNITY BOARD #2Q

REGULAR MEETING
APRIL 5, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 5, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

99-14-BZ
APPLICANT – Arisa Realty Co., X LLC, owner.
SUBJECT – Application May 8, 2014 – Variance (§72-21) for a height and setback variance to facilitate the construction of a new 21-story, 19 FAR hotel building. C6-4 zoning district in the (Special Hudson Yards District).
PREMISES AFFECTED – 432-434 West 31st Street, aka 433-435 West 30th Street, corner of West 31st Street and Dyer Avenue, Block 728, Lot(s) 50, 55, Borough of Manhattan.
COMMUNITY BOARD #4M

189-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 7311 Third Avenue, LLC, owner.
SUBJECT – Application August 17, 2015 – Special Permit (73-621) for the enlargement of the existing mixed use building contrary to floor area (ZR 33-121). R6B/C1-3 zoning district.
PREMISES AFFECTED – 7311 3rd Avenue, Block 5918, Lot 5, Borough of Brooklyn.
COMMUNITY BOARD #10BK

222-15-BZ
APPLICANT – Akerman, LLP, for 8601 Roosevelt, LLC, owner; 8601 Roosevelt Ave. Fitness Group, LLC, lessee.
SUBJECT – Application September 16, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the existing building's ground and cellar floors. C2-3/R6 zoning district.
PREMISES AFFECTED – 86-09 Roosevelt Avenue, Block 1474, Lot 037, Borough of Queens.
COMMUNITY BOARD #3Q

224-15-BZ
APPLICANT – Sheldon Lobel, P.C., Peter Livanos, owner.
SUBJECT – Application September 23, 2015 – Special Permit (§73-622)for the enlargement of an existing single-family detached home which contrary to floor area and open space (ZR23-141) and side yard (ZR 23-461). R2 zoning district.
PREMISES AFFECTED – 37 82nd Street, located along 82nd Street between Harbor View Terrace and Narrows Avenue, Block 5975, Lot 125, Borough of Brooklyn.
COMMUNITY BOARD #10BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, FEBRUARY 23, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

231-10-BZ
APPLICANT – Eric Palatnik, P.C., for WIEDC (Williamsburg Infant & Early Childhood Development Center), owner.
SUBJECT – Application November 10, 2015 – Extension of Time to Complete Construction of a Williamsburg Infant and Early Childhood Development Center (the school) and obtain a Certificate of Occupancy which is set to expire on February 14, 2016. M1-1 zoning district.
PREMISES AFFECTED – 430-440 Park Avenue, between Kent Avenue and Franklin Avenue, Block 1898, Lot 029, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction and obtain a Certificate of Occupancy in connection with a variance, which permitted the construction of a six-story Use Group 3 school, granted pursuant to ZR § 72-21; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, this application is brought on behalf of the Williamsburg Infant and Early Childhood Development Center, Inc. ("WIEDC"), a not-for-profit educational entity; and

WHEREAS, the subject site is located on the south side of Park Avenue, between Kent Avenue and Franklin Avenue, in an M1-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 120 feet of frontage along Park Avenue and 10,730 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 14, 2012, when, under the subject calendar number, the Board granted a variance permitting the construction of a six-story Use Group 3 school that did not comply with the underlying zoning district regulations for use, floor area, rear yard, wall height, total height, number of stories, setback and sky exposure plane contrary to ZR §§ 42-11, 43-122, 43-26 and 43-43; and

WHEREAS, construction was to be substantially completed by February 14, 2016, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that financial hardship has delayed construction; and

WHEREAS, accordingly, the applicant seeks an extension of an additional four (4) years to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, in response to questions raised at hearing, the applicant represents that construction is anticipated to commence within the year; that the project is anticipated to be complete in the first quarter of 2019; and that the character of the neighborhood—a mixture of residential, community facility, commercial and manufacturing uses—has not substantially changed since the original grant of the variance; and

WHEREAS, in response to concerns regarding the maintenance of the site, the applicant states that trucks are currently parked on the site and pay rent to the applicant, but that this condition is temporary; and

WHEREAS, the applicant asserts that the temporary provision of parking on the site provides needed income for building construction and that such rentals will cease upon the commencement of construction; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 14, 2012, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction and obtain a Certificate of Occupancy to February 14, 2020; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT if construction does not commence by February 23, 2017, applicant shall promptly obtain a Certificate of Occupancy for parking on the site;

THAT construction shall be completed by February 14, 2020;

THAT a Certificate of Occupancy for the premises shall be obtained by February 14, 2020;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(DOB Application No. 320225626)

Adopted by the Board of Standards and Appeals, February 23, 2016.

2-11-BZ
APPLICANT – Cozen O'connor, for 117 Seventh Avenue South Property Company, LP, owner.
SUBJECT – Application December 16, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to allow for a residential and community facility enlargement to an existing commercial building, contrary to setback (§33-432) and open space regulations (§23-14) which expired on November 22, 2015. C4-5 zoning district.
PREMISES AFFECTED – 117 Seventh Avenue South, southeast corner of Seventh Avenue South and West 10th Street, Block 610, Lot 16, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction and obtain a Certificate of Occupancy in connection with a variance, which permitted a residential and community facility enlargement to an existing commercial building, granted pursuant to ZR § 72-21; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southeast corner of Seventh Avenue South and West 10th Street, in a C4-5 zoning district, in Manhattan; and

WHEREAS, the site is triangular in shape, has approximately 135 feet of frontage along Seventh Avenue South, 17 feet of frontage along West 10th Street and 5,786 sq. ft. of lot area; and

WHEREAS, the premises is improved with a three-story commercial building, which was constructed in the early 1990s in accordance with approval by the Landmarks Preservation Commission ("LPC"); and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 22, 2011, when, under the subject calendar number, the Board granted a variance permitting a residential and community facility enlargement to an existing commercial building that did not comply with the underlying zoning district regulations for setbacks and open space contrary to ZR § 33-432 and 23-14; and

WHEREAS, construction was to be substantially completed by November 22, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that construction has been delayed because of an ongoing dispute with a tenant in the building, but that the dispute is nearing a resolution; and

WHEREAS, the applicant further states that it has spent in excess of $500,000 in construction costs, including the costs of producing architectural and engineering plans, preparing for construction, and acquiring the structural steel necessary for the approved work; and

WHEREAS, accordingly, the applicant seeks an extension of an additional four (4) years to complete construction; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the original grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 22, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction and obtain a Certificate of Occupancy to November 22, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by November 22, 2019;

THAT a Certificate of Occupancy for the premises shall be obtained by November 22, 2019;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(DOB Application No. 110408513)

Adopted by the Board of Standards and Appeals, February 23, 2016.

472-37-BZ
APPLICANT – Eric Palatnik, P.C., for 246 Sears Road Realty Corp., owner.
SUBJECT – Application October 14, 2014 – Extension of Term (§11-411) for the continued operation of an automotive service station which expired on January 27, 2014; Amendment (§11-412) to permit the conversion of repair bays into convenient store, the addition of a new canopy and relocation of fuel storage tanks. R5 zoning district.
PREMISES AFFECTED –2765 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 06915, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

196-49-BZ
APPLICANT – Vassalotti Associates Architects, LLP., for

1280 Allerton, LLC., owner.
SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for adjourned hearing.

528-64-BZ
APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.
SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.
PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

1122-81-BZ
APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.
SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.
COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

129-97-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.
SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

318-06-BZ
APPLICANT – Eric Palatnik, LLP for Sun Company Inc. (R&M), owner.
SUBJECT – Application August 9, 2013 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on May 22, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on November 22, 2007; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 49-05 Astoria Boulevard, Northeast corner of Astoria Boulevard and 49th Street. Block 1000, Lot 35, Borough of Queens.
COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

201-08-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for For Our Children, Inc., owner.
SUBJECT – Application October 16, 2015 – Extension of Time to Complete Construction and a Waiver (72-01) for extension of time to complete construction of a previously variance granted to allow the one story commercial building use for 18 parking spaces and offices (UG 6) contrary to use regulation. R3X zoning district.
PREMISES AFFECTED –40-38 216th Street, Block 6290, Lot 070, Borough of Queens.
COMMUNITY BOARD #11Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

2016-748-A & 2016-749-A
APPLICANT – Mayor's Office of Housing Recovery Operations ("HRO")
SUBJECT – Application January 5, 2016 – Waiver of General City Law 36 for 1181 properties destroyed or substantially damaged by Hurricane Sandy filed by HRO on behalf of individual property owners enrolled in New York City's Build-It-Back ("BIB") program.
PREMISES AFFECTED – 108-08 and 108-10 Shore Front Parkway, Borough of Queens.
ACTION OF THE BOARD – Application withdrawn.
Adopted by the Board of Standards and Appeals, February 23, 2016.

163-14-A thru 165-14-A
APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.
SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.
PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.
COMMUNITY BOARD #1M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

35-15-A
APPLICANT – Herrick Feinstein, LLP, for Baychester Retail III, LLC., owner.
SUBJECT – Application February 25, 2015 – An administrative appeal challenging the Department of Buildings' final determination dated January 26, 2015, to permit the installation of 54 individual signs at the subject property. C7 zoning district.
PREMISES AFFECTED – 2001 Bartow Avenue, Block 05141, Lot 0101, Borough of Bronx.
COMMUNITY BOARD #10BX
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for decision, hearing closed.

65-15-BZ & 66-15-A
APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.
SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.
PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.
COMMUNITY BOARD #7M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for decision, hearing closed.

174-15-A thru 176-15-A
APPLICANT – Philip L. Rampulla, for Linus Realty, LLC, owner.
SUBJECT – Application August 5, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. M3-1 (SRD) zoning district.
PREMISES AFFECTED – 27 Johnson Street, 100 Mila Way, 101 Mila Way, northeast side of Johnson Street, northwest of Arthur Kill Road, Block 7207, Lot(s) 305, 34, 35, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

197-15-A
APPLICANT – Slater & Beckerman, P.C., for Mihata Corp., owner; Colossal Media, lessee.
SUBJECT – Application August 25, 2015 – Determination made by Department of Buildings Technical Affairs that under ZR 42-561 a proposed advertising sign, comprising 750 sq. ft. of surface area, may not be located at the premises, facing a Special Mixed Use District (M1-1)/R6A zoning district.
PREMISES AFFECTED – 32 Berry Street, northwest corner of the intersection of Berry Street and North 12th Street, Block 2283, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

129-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Mourad Louz, owner.

SUBJECT – Application June 9, 2014 – Special Permit (§73-622) as amended, to permit the enlargement of a single-family detached residence, contrary to floor area, side yard, and rear yard regulations. R5 zoning district.

PREMISES AFFECTED – 2137 East 12th Street, east side of East 12th Street between Avenue U and Avenue V, Block 07344, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated May 8, 2014, acting on DOB Application No. 320842228, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-461(a) in that the proposed side yard is less than the minimum required;
2. Plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required"; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R5 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for side yards and rear yards contrary to ZR § 23-461(a) and 23-47; and

WHEREAS, a public hearing was held on this application on October 20, 2015 after due notice by publication in *The City Record*, with continued hearings on November 24, 2015, and January 12, 2016, and then to decision on February 23, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 12th Street, between Avenue U and Avenue V, in an R5 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along East 12th Street, a depth of 80 feet, and 3,200 sq. ft. of lot area; and

WHEREAS, the site is improved with a two-story plus cellar and attic single-family residence with approximately 2,394 sq. ft. of floor area and a floor area ratio ("FAR") of 0.75; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant initially sought to enlarge the building along the side yard measuring 4'-0", demolish a significant percentage of the existing walls, increase the floor area of the structure from 2,394 sq. ft. to 4,167 sq. ft. (1.30 FAR), reduce the other 11'-7" side yard to 5'-0", and reduce the non-complying 22'-6" rear yard to 20'-0"; and

WHEREAS, in response to the Board's concerns that the side yard reduction was too great and that the project, as proposed, was not an enlargement entitled to a special permit under ZR § 73-622, the applicant modified the proposed enlargement; and

WHEREAS, the applicant now proposes to keep a more substantial portion of the existing exterior walls, increase the floor area of the structure from 2,394 sq. ft. to 3,659 sq. ft. (1.14 FAR), reduce a portion of the existing 11'-7" side yard to 9'-0", maintain the existing non-complying 4'-0" side yard, and reduce the non-complying 22'-6" rear yard to 20'-0"; and

WHEREAS, with respect to the side yards, ZR § 23-461 requires a minimum side yard of 5'-0" on any side and a total side yard width of 13'-0" and the side yards proposed—4'-0" and 9'-0"—have a total width of 13'-0"; and

WHEREAS, in response to the Board's questions concerning the reduction of the rear yard and character of the surrounding area, the applicant provided a rear yard study of the subject block demonstrating that more than half of the lots on the block, including the premises, have rear yards of less than 30'-0"—the minimum permitted pursuant to ZR § 23-47—and that more than a quarter of the lots on the block, including the premises, have yards that are less than 20'-0", as proposed by the applicant; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R5 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for side yards and rear yards contrary to ZR § 23-461(a) and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 3, 2016"-eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a rear yard with a minimum depth of 20'-0" and side yards of 4'-0" and 9'-0", all as illustrated on the BSA-approved plans;

THAT applicant shall maintain existing walls as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 23, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 23, 2016.

95-15-BZ
CEQR #15-BSA-199K

APPLICANT – Eric Palatnik, P.C., for Shalev Shoshani, owner; Rudolf Abramov, lessee.

SUBJECT – Application April 30, 2015 – Special Permit (§73-36) to a physical culture establishment (*Retro Fitness*), within two-story masonry building. C8-3 Div. by R7-1 W/C2-4 zoning district.

PREMISES AFFECTED – 1203 Jerome Avenue, Block 02506, Lot 062, Borough of Bronx.

COMMUNITY BOARD #4BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated March 31, 2015, acting on Department of Buildings Application No. 220445472, reads in pertinent part:

> "Proposed Physical Culture Establishment, in a C8-3/C2-4 zoning district is contrary to Section ZR 32-10 and requires a special permit from the BSA per ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within a C8-3 zoning district and partially within an R7-1 (C2-4) zoning district, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, and then to decision on February 23, 2016; and

WHEREAS, Community Board 4, Bronx, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding

neighborhood; and

WHEREAS, the subject site is located on the west side of Jerome Avenue at the corner of Edward L. Grant Highway, partially within a C8-3 zoning district and partially within an R7-1 (C2-4) zoning district, in the Bronx; and

WHEREAS, the subject site has approximately 100 feet of frontage along Jerome Avenue, 201 feet of frontage along Edward L. Grant Highway and 24,108 sq. ft. of lot area; and

WHEREAS, the subject site is currently occupied by a two-story commercial building with 32,569 sq. ft. total floor area; and

WHEREAS, the proposed PCE will occupy 7,221 sq. ft. of floor area on the ground floor and 8,534 sq. ft. of floor area on the second floor (a total of 15,755 sq. ft. of floor area) exclusively in the portion of the building located within a C8-3 zoning district; no part of the PCE will be operated in a portion of the building located within an R7-1 (C2-4) zoning district; and

WHEREAS, the parking requirements for the site, as set forth in ZR § 36-21 are waived under ZR § 36-232 because they total less than 40 spaces; and

WHEREAS, the proposed PCE will be accessible from the first floor of the building fronting Edward L. Grant Highway with an additional egress directly from the second floor of the building fronting Edward L. Grant Highway with access between the floors provided by stairs in addition to an ADA-accessible elevator; and

WHEREAS, the PCE will be operated as a Retro Fitness; and

WHEREAS, the applicant represents that the first floor will be occupied by locker rooms, office space, storage areas and a group fitness area and the second floor will house cardio and free weight equipment areas and additional group fitness space to accommodate classes including, but not limited to, Zumba, boot camp, kickboxing, strength training, core and cycling; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 5:00 a.m. to 12 a.m. and Saturday through Sunday, 7:00 a.m. to 7:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant has provided the Board with plans representing that both an automatic sprinkler system as approved by the Department of Buildings ("DOB") and an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fired Department-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the applicant's plans also include notes of the proposed sound attenuation measures, including suspended acoustic ceiling tiles, 3/8" thick rubber roll installed beneath the cardio equipment and boxing area and 1" thick rubber floor matting on the entire second floor; and

WHEREAS, the applicant states that a portion of the proposed PCE is located above a medical office operating on the first floor of the building, that this portion of the PCE will be used for speed and agility training which includes pulling weighted sleds and stretching, and that this portion will, like the remainder of the second floor space, have 1" thick rubber floor matting to mitigate any negative noise impacts; and

WHEREAS, the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither (1) alter the essential character of the surrounding neighborhood, (2) impair the use or development of adjacent properties, nor (3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-199K, dated April 30, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located partially within a C8-3 zoning district and partially within an R7-1 (C2-4) zoning district, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 5, 2016"- four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 23, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 23, 2020;

THAT this approval is limited to the relief granted by

the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 23, 2016.

169-15-BZ
CEQR #16-BSA-009M

APPLICANT – Francis R. Angelino, Esq., for 93 Worth Street Retail LLC, by Eldad Blaustein, owner; 93 Worth Gym, LLC, lessee.

SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment ("*93*") to be operated within an existing building.

PREMISES AFFECTED – 93 Worth Street, Block 00173, Lot 7504, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 23, 2015, acting on Department of Buildings Application No. 122473304, reads in pertinent part:

> "ZR 32-10, ZR 73-36: Proposed use as a physical culture establishment, as defined by ZR 12-10, is contrary to ZR 32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within a C6-2A zoning district and partially within a C6-4A zoning district, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 2, 2016 after due notice by publication in *The City Record*, and then to decision on February 23, 2016; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of Worth Street and Broadway, partially within a C6-2A zoning district and partially within a C6-4A zoning district, in Manhattan; and

WHEREAS, the subject site has approximately 203 feet of frontage along Worth Street, 56 feet of frontage along Broadway and 12,422 sq. ft. of lot area; and

WHEREAS, the site is currently occupied by a 17-story mixed use residential and commercial building; and

WHEREAS, the proposed PCE will occupy 120 sq. ft. of floor area on the ground floor and 3,500 sq. ft. of floor area on the cellar level (a total of 3,620 sq. ft. of floor area) located exclusively within the portion of the existing building located within a C6-4A zoning district; no part of the PCE will be operated in a portion of the building located within a C6-2A zoning district; and

WHEREAS, the cellar space will be accessible from the PCE's dedicated ground floor lobby, located on the side of the building fronting Worth Street, by both stairs and an ADA-accessible elevator; and

WHEREAS, the PCE will be operated as 93 Worth Gym; and

WHEREAS, the applicant represents that the ground floor will be occupied only by a lobby and the cellar level will contain locker room facilities as well as spaces for interval training, weight training, and yoga instruction; and

WHEREAS, the proposed hours of operation for the PCE are Monday through Thursday, 6:00 a.m. to 9:00 p.m., Friday, 6:00 a.m. to 7:00 p.m., and Saturday through Sunday, 8:00 a.m. to 12:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals therefor, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant has provided the Board with plans representing that both an automatic sprinkler system and an approved fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visible alarms, and connection to an Fire Department-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the proposed PCE will be physically separated from residential uses in the building, which start on the second floor, by the building's ground floor lobby; and

WHEREAS, the applicant's plans also include notes of the proposed sound attenuation measures, including an acoustical partition around the cellar demising wall, acoustical seals on all doors, shock-absorbing acoustic built-up flooring installed in the activities areas of the cellar, and installing a limiter on the sound system; and

WHEREAS, the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither (1) alter the essential character of the surrounding

neighborhood, (2) impair the use or development of adjacent properties, nor (3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16-BSA-009M, dated July 29, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located partially within a C6-2A zoning district and partially within a C6-4A zoning district, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 12, 2016"- nine (9) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 23, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 23, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 23, 2016.

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.

SUBJECT – Application December 18, 2013 – Re-instatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for continued hearing.

330-13-BZ

APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.

PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for adjourned hearing.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.

PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for deferred decision.

41-14-BZ

APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.

SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.

PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-

58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

60-14-BZ
APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.
SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.
PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.
COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Laid over to March 8, 2016, at 10 A.M., for deferred decision.

269-14-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for 89-40 Realty LLC/Yaron Rosenthal, owner; Sun Star Services, lessee.
SUBJECT – Application November 3, 2014 – Special Permit §73-36) to permit the physical culture establishment *(Massage Envy Spa)* on the first floor level of an existing commercial building in a C2-2 in R4 zoning district.
PREMISES AFFECTED – 89-44 Metropolitan Avenue, southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 03872, Lot 33, Borough of Queens.
COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for continued hearing.

203-15-BZ
APPLICANT – Kramer Levin Naftalis & Frankell LLP, for Margaret Cotter, Liberty Theaters, owners.
SUBJECT – Application August 28, 2015 – Variance (§72-21) to allow the restoration, reuse and enlargement of an existing commercial building located partly in a C6-4 district/Special Union Square District and an R8B district. The building is Tammany Hall and is a landmark.
PREMISES AFFECTED – 44 Union Square East, Block 0872, Lot 078, Borough of Manhattan.
COMMUNITY BOARD #5M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 23, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

187-15-BZ
CEQR #16-BSA-017M
APPLICANT – Law Office of Jay Goldstein, for 277 Park Avenue LLC, owner; Sheva NY Inc., lessee.
SUBJECT – Application August 14, 2015 – Proposed operation of a physical culture establishment (*Sheva Thai Spa*) on a portion of the ground floor of the premises. C5-3/C6-6, MID zoning district.
PREMISES AFFECTED – 500-514 Lexington Avenue aka 100-102, East 27th St. East 48th Park Avenue, Block 1302, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated February 3, 2016, acting on Department of Buildings Application No. 122440607, reads in pertinent part:

> "Proposed 'Physical Culture Establishment' in above zoning districts is not permitted As-Of-Right as per section ZR 32-31 and a special permit by the Board of Standards and Appeals (BSA) is required to comply with ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within a C5-3 zoning district and partially within a C6-6 zoning district and in the Special Midtown District and the Grand Central Subdistrict, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is the entire city block bound by Lexington Avenue on the east, Park Avenue on the west, East 48th Street on the north and East 47th Street on the south, partially within a C5-3 zoning district and partially within a C6-6 zoning district and in the Special Midtown District and the Grand Central Subdistrict, in Manhattan; and

WHEREAS, the site has approximately 201 feet of frontage along both Lexington Avenue and Park Avenue, 405 feet of frontage along both East 48th Street and East 47th Street and 81,336 sq. ft. of lot area; and

WHEREAS, the subject site is occupied by 50-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 10, 1996 when, under BSA Calendar No. 58-96-BZ, the Board granted a special permit for the operation of a PCE, operated as Manhattan Athletic Club, with approximately 13,000 sq. ft. of floor area on portions of the first floor and basement of the building, expiring December 10, 2016; and

WHEREAS, the subject proposed PCE will occupy 1,345 sq. ft. of floor area on the ground floor of the building on the subject site located wholly within a C5-3 zoning district (the "Premises") and accessible from Lexington Avenue; and

WHEREAS, the PCE will be operated as a Sheva Thai Spa; and

WHEREAS, the applicant represents that the facility will include an open area for salon treatments, manicures, pedicures, waxing and foot massage as well as two massage rooms; and

WHEREAS, the applicant asserts that the Premises has previously operated as a day spa without massage services since approximately August 2015 and the applicant makes the subject application in order to offer massages as an additional treatment for its patrons; and

WHEREAS, the applicant represents that massages are not currently being offered at the Premises; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 8:00 a.m. to 10:00 p.m. and Saturday through Sunday, 10:00 a.m. to 7:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant has represented that interior sprinklers and an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fired Department-approved central station—shall be installed in the entire PCE space; and

WHEREAS, with regards to sound attenuation, the applicant states that the floors of the PCE will have resilient flooring with an STC rating of 52 installed on slab on grade; that the PCE space is located directly above Grand Central Station train tracks and there are no tenants below; the existing ceiling is concrete slab with a 12'-0" cavity containing building mechanicals and a GWB hung ceiling; and that these measures are adequate because the PCE use does not include exercise and, thus, will not create excessive noise; and

WHEREAS, the Premises occupies a small portion of the subject building, which is located in an area comprised of residential, retail and commercial uses; and

WHEREAS, the applicant states that the PCE will neither increase traffic to the surrounding area nor negatively impact the neighborhood because its patrons will either work or live in the immediately surrounding area and walk to the Premises; and

WHEREAS, the applicant states that the proposed PCE is consistent with the goals for the Special Midtown District set forth in ZR § 81-00 because it will be a valuable amenity to the building and the surrounding area; it is fully contained within the envelope of an existing building and will thus have no impact on the access of light and air to the streets and avenues of Midtown; that as the patrons will be from the subject building and the immediate area, the PCE will have no impact on pedestrian circulation, pedestrian access to rapid transit facilities or create any conflicts with vehicular or pedestrian traffic; and that the PCE will not change the exterior of the building and thus have no impact on the historical architectural character of the surrounding neighborhood; and

WHEREAS, the applicant furthers states that the proposed PCE is compliant with all bulk and sign regulations for the Special Midtown District and is thus consistent with the purposes and provisions of ZR § 81-00, et seq., as required in ZR § 81-13; and

WHEREAS, the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither (1) alter the essential character of the surrounding neighborhood, (2) impair the use or development of adjacent properties, nor (3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16-BSA-017M, dated July 8, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State

Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located partially within a C5-3 zoning district and partially within a C6-6 zoning district and in the Special Midtown District and the Grand Central Subdistrict, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 14, 2015"- Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 23, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy; and

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 23, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 23, 2016.

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for continued hearing.

67-15-BZ
APPLICANT – Francis R. Angelino, Esq., for Alan Manocherian, owner; The Cell Theatre, Co. Ltd., owner.
SUBJECT – Application March 3, 2015 – Special Permit (§73-201) to permit the legalization of a theater (*Cell Theatre*) with a capacity of not more than 500 persons in an existing building. C1-6A zoning district.
PREMISES AFFECTED – 338 West 23rd Street, south side of West 23rd Street between 8th and 9th Avenues, Block 00746, Lot 0053, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for continued hearing.

202-15-BZ
APPLICANT – Slater & Beckerman, PC, for 6469 Broadway HDF Company, Inc., owner.
SUBJECT – Application August 27, 2015 – Variance (§72-21) seeks a modification of 25-25 to reduce the required number of parking spaces for an 11-story, non-profit residence for the elderly from 19 to 11. R6/C2-2 zoning district.
PREMISES AFFECTED – 6469 Broadway, Block 05851, Lot 02098, Borough of Bronx.
COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Laid over to March 22, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

***CORRECTION**

The resolution adopted on October 28, 2008, under Calendar No. 182-85-BZ and printed in Volume 93, Bulletin Nos. 41-43, is hereby corrected to read as follows:

182-85-BZ
APPLICANT – Dominick Salvati & Son Architects, for Salvatore Meeina, owner.
SUBJECT – Application November 19, 2007 – Extension of Term/Waiver of a previously granted Variance (§72-21) for a one story building for the storage of commercial vehicles for a (UG16) contractor's establishment (Fox Glass), in an R6B zoning district, which expired on September 9, 2006.
PREMISES AFFECTED – 209-11 20th Street, between 4th and 5th Avenue, Block 640, Lots 21 & 22, Borough of Brooklyn.
COMMUNITY BOARD #7BK
APPEARANCES –
For Applicant: Mark McCarthy.
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0
THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term of a previously granted variance permitting a one-story building within an R6B zoning district to be used for the storage of commercial vehicles (Use Group 16), which expired on September 9, 2006; and

WHEREAS, a public hearing was held on this application on September 16, 2008 after due notice by publication in *The City Record*, with a continued hearing on October 7, 2008, and then to decision on October 28, 2008; and

WHEREAS, Community Board 7, Brooklyn, has recommended approval of this application; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Ottley-Brown, and Commissioner Montanez; and

WHEREAS, the site is located on the north side of 20th Street, between 4th Avenue and 5th Avenue, within an R6B zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 9, 1986 when, under the subject calendar number, the Board granted a variance to permit the construction of a one-story building for the storage of commercial vehicles (Use Group 16) for a contractor's establishment; and

WHEREAS, on July 15, 1997, the grant was extended by ten years, to expire September 9, 2006; and

WHEREAS, the applicant represents that there have been no changes to the site; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on September 9, 1986, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: "to extend the term for ten years from September 9, 2006, to expire on September 9, 2016, *on condition* that any and all work shall substantially conform to drawings filed with this application marked "Received July 10, 2008"- (5) sheets; and *on further condition*:

THAT the term of this grant shall expire on September 9, 2016;

THAT the above condition shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted."
(DOB App. No. 947/84)

Adopted by the Board of Standards and Appeals, October 28, 2008.

***The resolution has been amended to correct the "Premises Affected" which read: "**206-08 20th Street." **Now reads**: "209-11 20th Street".

Corrected in Bulletin Nos. 8-9, Vol. 101, dated March 2, 2016.

***CORRECTION**

The resolution adopted on August 25, 2015, under Calendar Nos. 271-14-A thru 282-14-A and printed in Volume 100, Bulletin No. 36, is hereby corrected to read as follows:

271-14-A thru 282-14-A
APPLICANT – Eric Palatnik, P.C., for 91 Seguine Avenue LLC, owner.
SUBJECT – Application November 3, 2014 – To permit the proposed development consisting of seven one family homes and one-two family home, contrary Article 3 Section 36 of the General City Law. R3X zoning district.
PREMISES AFFECTED – 15, 25, 26, 35, 36, 45, 46, Patricia Court, bound by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 06680, Lot (s) 10, 9, 6, 8, 7, 24, 25, 26 Herbert Court, Block 06680, Lot 23, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
THE RESOLUTION –

WHEREAS, the following decision was rendered by the New York City Department of Buildings ("DOB") with respect to DOB Application Nos. 520193362, dated October 1, 2014, for 15 Patricia Court, Staten Island; DOB Application Nos. 520193371, dated October 2, 2014, for 25 Patricia Court, Staten Island; DOB Application Nos. 520193406, dated October 14, 2014, for 26 Patricia Court, Staten Island; DOB Application Nos. 5201900007, dated October 14, 2014, for 26 Patricia Court (Garage Structure), Staten Island; DOB Application Nos. 520193380, dated October 2, 2014, for 35 Patricia Court, Staten Island; DOB Application Nos. 520193399, dated October 14, 2014, for 36 Patricia Court, Staten Island; DOB Application Nos. 520190034, dated October 14, 2014, for 36 Patricia Court (Garage Structure), Staten Island; DOB Application Nos. 520199776 dated October 2, 2014, for 45 Patricia Court, Staten Island; DOB Application Nos. 520199785, dated October 14, 2014, for 46 Patricia Court, Staten Island; DOB Application Nos. 520199794, dated October 14, 2014, for 46 Patricia Court (Garage Structure), Staten Island; DOB Application Nos. 520199767, dated October 2, 2014, for 26 Herbert Street, Staten Island; DOB Application Nos. 520201291, dated October 2, 2014, for 26 Herbert Street (Garage Structure), Staten Island:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York, therefore:
>
> A. No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of the General City Law
>
> B. Proposed Construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space contrary to Sec. 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application, filed pursuant to General City Law §36, to allow the proposed construction of eight one- and two-family homes (and, in four instances, garages) not fronting on a mapped street; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, and then to decision on August 25, 2015; and

WHEREAS, the above-referenced lots, which do not front on a mapped street, are located to the east of Seguine Avenue, south of Herbert Street and North of Mac Gregor Avenue, within an R3X zoning district, within the Special South Richmond Development District, in Staten Island; and (the "Site"); and

WHEREAS, the applicant seeks to construct nine one- and two-family homes on the Site; eight of those one- and two-family homes will not front on a mapped street, and four of the eight which do not front on a mapped street will contain garages; and

WHEREAS, by letter dated May 13, 2015, as affirmed by letter dated August 5, 2015, the FDNY stated that it has no objections to the proposed development, but conditioned its statement of no objection on the applicant meeting all of the conditions shown on the stamped, approved site plan provided to the FDNY by the applicant ("FDNY Access and Hydrant Plan Drawing A-001.00"); and

WHEREAS, specifically, FDNY imposed the following conditions, noted on FDNY Access and Hydrant Plan Drawing A-001.00, on the project, which are hereby adopted by the Board: (1) All buildings shall be provided with interconnected smoke alarms, which shall be designed and installed in accordance with the City of New York Building Code Section 907.2.1.0; (2) The Fire Department access roads (private roads) shall have an unobstructed width of not less than 34 feet (34'-0") and shall satisfy the requirements of Section 25-21 of the Zoning Resolution; (3) Parking to be permitted on both sides of each private road; (4) Area in front of fire hydrants shall be marked with paint "no parking" on roadway eight feet (8'-0") out from curb; (5) As per Fire Code Rule C503.1.1 (Apparatus Access Road) buildings or structures shall be accessible to department apparatus by the way of public street or an approved fire apparatus access road with an approved asphalt, concrete or other approved driving surface installed in accordance with the standards of the New York City Department of Transportation and capable of supporting the imposed load of department apparatus weighing at least 35,000 pounds; and (6) Each dwelling entrance shall be within 250 feet of a hydrant; (7) Mains servicing hydrants shall be eight inches or greater and cross-connected as per requirements; (8) all proposed one/two family detached residences (two story) to be fully sprinklered; and

WHEREAS, on August 24, 2015, the applicant submitted a revised site plan which included, inter alia, the conditions noted on FDNY Access and Hydrant Plan Drawing A-001.00 are incorporated into the Board-approved plans; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the following decisions of the Department of Buildings ("DOB"):

- DOB Application Nos. 520193362, dated October 1, 2014, for 15 Patricia Court, Staten Island;
- DOB Application Nos. 520193371, dated October 2, 2014, for 25 Patricia Court, Staten Island;
- DOB Application Nos. 520193406, dated October 14, 2014, for 26 Patricia Court, Staten Island
- DOB Application Nos. 5201900007, dated October 14, 2014, for 26 Patricia Court (Garage Structure), Staten Island
- DOB Application Nos. 520193380, dated October 2, 2014, for 35 Patricia Court, Staten Island
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- DOB Application Nos. 520199794, dated October 14, 2014, for 46 Patricia Court (Garage Structure), Staten Island
- DOB Application Nos. 520199767, dated October 2, 2014, for 26 Herbert Street, Staten Island
- DOB Application Nos. 520201291, dated October 2, 2014, for 26 Herbert Street (Garage Structure), Staten Island

are modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that all construction will substantially conform to the drawings filed with the application marked "August 25, 2015"-(1) sheet; and *on further condition:*

THAT the proposal will comply with all applicable zoning district requirements and all other applicable laws, rules, and regulations;

THAT the height of the dwellings shall not exceed 35 feet (35'-0") above grade plane;

THAT all buildings shall be provided with interconnected smoke alarms, which shall be designed and installed in accordance with the City of New York Building Code Section 907.2.1.0;

THAT the Fire Department access roads (private roads) shall have an unobstructed width of not less than 34 feet (34'-0") and shall satisfy the requirements of Section 25-21 of the Zoning Resolution;

THAT the in front of fire hydrants shall be marked with paint "no parking" on roadway eight feet (8'-0") out from curb;

THAT all buildings or structures shall be accessible to department apparatus by the way of public street or an approved fire apparatus access road with an approved asphalt, concrete or other approved driving surface installed in accordance with the standards of the New York City Department of Transportation and capable of supporting the imposed load of department apparatus weighing at least 35,000 pounds as per Fire Code Rule C503.1.1 (Apparatus Access Road);

THAT hydrants shall be provided within the private road (Patricia Court) and each dwelling entrance shall be within 250 feet of a hydrant as shown on BSA-approved plans;

THAT all water mains servicing hydrants shall be eight inches or greater and cross-connected as per requirements;

THAT all proposed one/two family detached residences (two story) to be fully sprinklered with automatic sprinkler system;

THAT any and all conditions requested by the Fire Department shall be implemented before the Temporary Certificate of Occupancy and Certificate of Occupancy are issued;

THAT all the private road (Patricia Court) shall be screened from adjoining lots by landscape strips densely planted with evergreen shrubs at least 4 ft. high at time of planting, and of a type that may be expected to form a year-round defense screen at least 6 ft. high within three years of planting, such planting to be maintained in good condition at all times;

THAT the proposed development will comply in all respects with the conditions of NYSDEC Permit No. 2-6405-00609/0001, including, without limitation, requirements stated for plantings in the Area of No Land Alteration (as shown on the plans attendants to such permit);

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on August 25, 2015.

***The resolution has been amended to correct the "DOB Application Nos"**.

Corrected in Bulletin Nos. 8-9, Vol. 101, dated March 2, 2016.

BULLETIN

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2016-4128-BZ
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2016-4132-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

REGULAR MEETING
APRIL 12, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 12, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

253-89-BZ
APPLICANT – Friedman & Gotbaum, LLP, for New York City Industrial Development Agency, owner; Ronald McDonald House of New York, lessee.
SUBJECT – Application December 11, 2015 – Amendment of a previously approved Variance (72-21) which permitted an eleven story community facility (*Ronald McDonald House of New York*) with residences contrary to underlying bulk regulations. The amendment seeks to allow a 6,954 sf enlargement. C1-9/R8B zoning district.
PREMISES AFFECTED – 405-411 East 73rd Street, Block 01468, Lot 5, Borough of Manhattan.
COMMUNITY BOARD #5M

202-05-BZ
APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner.
SUBJECT – Application August 14, 2015 – Amendment to reflect the conditions approved pursuant to BSA Cal 298-13-BZ; to legalize modifications to interior spaces; and to extend the term of a special permit granted pursuant to ZR 73-36. M1-1 zoning district.
PREMISES AFFECTED – 11-11 131st Street, Block 4011, Lot 24, Borough of Queens.
COMMUNITY BOARD #1Q

APPEALS CALENDAR

162-15-A thru 164-15-A
APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.
SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district
PREMISES AFFECTED – 139-48 88th Road, Block 09683, Lot 0013, Borough of Queens.
COMMUNITY BOARD #13Q

165-15-A & 166-15-A
APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.
SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district
PREMISES AFFECTED – 88-36 144th Street, Block 09683, Lot 0015, Borough of Queens.
COMMUNITY BOARD #13Q

REGULAR MEETING
APRIL 12, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 12, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

158-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.
SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.
PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #14BK

181-14-BZ
APPLICANT – Sheldon Lobel, P.C., for The Greek School of Plato, LTD, owner.
SUBJECT – Application August 1, 2014 – Variance (§72-21) to permit the construction of an educational and cultural facility be located on the premises. R4B zoning district.
PREMISES AFFECTED – 670 92nd Street, between Battery Avenue and 7th Avenue, Block 6143, Lot 35, Borough of Brooklyn.
COMMUNITY BOARD #10BK

331-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.
PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

34-15-BZ
APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.
SUBJECT – Application February 24, 2015 – Special Permit (§73-622)for the enlargement of an existing two story single family residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district.
PREMISES AFFECTED – 2316 Ocean Parkway, between Avenue W and Lancaster Avenue, Block 7181, Lot 14, Borough of Brooklyn.
COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

CALENDAR

REGULAR MEETING
TUESDAY MORNING, MARCH 8, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

595-44-BZ
APPLICANT – Montgomery McCracken Walker & Rhoads, LLP, for Cinzia 30 CPS. Incorporated c/o Rodel USA, Incorporated, owner.
SUBJECT – Application August 4, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted Office Use (UG 6) which expired on July 12, 2015. R10H zoning district.
PREMISES AFFECTED – 30 Central Park South, Block 01274, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of term for a previously granted variance for non-resident professional use (Use Group 6) in a building located in an R-10H residential district, which expired on July 12, 2015; and

WHEREAS, a public hearing was held on this application on January 12, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application for an additional ten (10) years; and

WHEREAS, the subject site is located on the south side of Central Park South, between Avenue of the Americas and Grand Army Plaza, in an R-10H zoning district, in Manhattan; and

WHEREAS, the site has approximately 50 feet of frontage along Central Park South, 5,020 sq. ft. of lot area, and is occupied by a fifteen (15) story building; and

WHEREAS, the applicant represents that the building contains a restaurant on the 15th floor, office space for the restaurant on the 14th floor, and non-resident doctors' offices throughout the remainder of the building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 12, 1955 when, under the subject calendar number, the Board approved an application for a variance permitting the change in occupancy of the existing building from apartment hotel and accessory restaurant to non-resident doctors' offices throughout and continuation of a restaurant (cabaret—no dancing) and existing commercial offices, subject to a term of twenty (20) years; and

WHEREAS, on January 24, 1956, July 10, 1956, July 16, 1957, and July 22, 1958, under the subject calendar number, the Board granted extensions of time to obtain permits and complete all work approved under the variance; and

WHEREAS, on February 9, 1960, under the subject calendar number, the Board granted an amendment of the variance to extend the term of the variance for the restaurant, located on the 15th floor, and accessory office, located on part of the 14th floor, to run concurrently with the term of the variance for the building, expiring on July 12, 1975; and

WHEREAS, on November 6, 1974, January 31, 1984, October 7, 1997 and December 6, 2005, under the subject calendar number, the Board extended the term of the variance for additional ten-year terms, the last expiring July 12, 2015; and

WHEREAS, on September 26, 2006, under the subject calendar number, the Board granted an application to amend the variance to permit a change in use of the 15th floor from a restaurant to office space (Use Group 6); and

WHEREAS, the variance having expired, the applicant now seeks an extension of the term of the variance for ten (10) years; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 12, 1955, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on July 12, 2025; *on condition* that all work and site conditions shall comply with drawings filed with this application marked "Received February 10, 2016"-(19) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from July 12, 2015, expiring July 12, 2025;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by March 8, 2017; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 8, 2016.

1092-79-BZ
APPLICANT – Greenberg Traurig, LLP, for Charlton Cooperative Corp., owner.
SUBJECT – Application November 18, 2015 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6(HDA) zoning district.
PREMISES AFFECTED – 112 Charlton Street aka 547 Greenwich Street, south side of Charlton Street, Block 597, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to reopen and amend the variance granted by the Board which permitted the conversion of all floors above the first floor of an existing six-story building known as and located at 112 Charlton Street, in Manhattan, within an M1-6 zoning district and the Special Hudson Square District, from lofts into a multiple dwelling; and

WHEREAS, the purpose of this application is to facilitate the transfer of unused development rights appurtenant to the subject site (Block 597, Lot 45) by the owner of the site to the owner of an adjacent development site (tentatively comprised of Block 597, Lots 39 and 46, the "Development Site,"); and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the application is brought on behalf of Charlton Cooperative Corp., which owns the subject site and seeks the Board's authorization to merge the subject site with the Development Site; and

WHEREAS, the subject site is a corner lot located on the south east corner of Charlton Street and Greenwich Street, within an M1-6 zoning district and the Special Hudson Square District, in Manhattan;

WHEREAS, the subject site has approximately 75 feet of frontage along Charlton Street, 50 feet of frontage along Greenwich Street, 3,750 sq. ft. total lot area and is improved with a six-story building with 22,593 sq. ft. total floor area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 10, 1980 when, under the subject calendar number, the Board granted a variance to permit the conversion of all floors above the first floor of the existing building from a manufacturing to a residential use (the "Variance"); and

WHEREAS, on April 10, 2007, under BSA Calendar Number 260-06-BZ, the Board granted a special permit to allow a physical culture establishment (PCE) in 1,725 sq. ft. of floor area on a portion of the first floor of the subject building, for a period of 10 years, expiring April 10, 2017; and

WHEREAS, the Board notes that the Variance involved the change of use of certain floors within the subject building with no impact on bulk; and

WHEREAS, the applicant represents that no changes to the subject building are associated with the proposed merger of the zoning lots and development rights transfer; and

WHEREAS, in addition, the applicant contends that the proposed transfer of development rights is consistent with the New York Court of Appeals' decision in *Bella Vista v. Bennett*, 89 N.Y. 2d 565 (1997), setting forth the parameters of Board review of requests for the transfer of development rights from sites for which a variance has been granted; and

WHEREAS, the applicant asserts that the transfer of the unused development rights from the subject site is not in conflict with the Variance; and

WHEREAS, the applicant notes that the Board made all of the findings required pursuant to ZR § 72-21 in the Resolution for the Variance (the "Resolution"), but that the Resolution does not indicate whether the Board assigned any value to the unused development rights and the case file containing materials submitted to and reviewed by the Board at that time is unavailable; and

WHEREAS, accordingly, the applicant assumes that the Board did not assign any value to the unused development rights and, in support of that assumption, submits a financial analysis concluding that, based on poor market conditions at the time, that the unused development rights were limited to manufacturing and commercial use and that the immediately adjacent and/or secondarily adjacent properties were both underbuilt and under separate ownership, there were no viable opportunities transfer the development rights or use the development rights to enlarge the subject building; and

WHEREAS, specifically, the analysis relays that at the time of the Variance, manufacturing and/or commercial real estate development was virtually non-existent across New York City in general, including in the area surrounding the subject premises; and

WHEREAS, thus, the applicant states that an amendment to the Variance to facilitate the transfer of the unused development rights from the subject site to the Development Site does not undermine the integrity of the Board's earlier findings concerning ZR §§ 72-21(b) or 72-21(e) because the facts of the instant application are readily distinguishable from those underlying the Court's holding in *Bella Vista*; and

WHEREAS, specifically, the applicant contends that, at the time of the Variance, the subject premises were held in separate and unrelated ownership from other parcels on the subject block and that 35 years have elapsed since the Variance, during which time the value of unused development rights has increased in substantial and unforeseeable ways; and

WHEREAS, the applicant concludes that the use of the

development rights as a result of the intended merger is therefore not inconsistent with the Variance; and

WHEREAS, the Board notes that *Bella Vista* concerned a permit request for a new as-of-right residential building proposed to be built through the transfer of development rights—from a site in which the Board granted a use variance to permit the operation of a movie theater in a residential zoning district, to a separate adjacent site under common ownership—for development of a complying residential building; and

WHEREAS, the Court held that review and approval of such transfers by the Board was required, *inter alia*, because the basis for the original grant, particularly with respect to the findings of financial hardship under ZR § 72-21(b) and minimum variance needed to provide relief under ZR § 72-21(e), may be implicated by the proposed transfer; and

WHEREAS, the Board credits the applicant's assertions that, unlike in *Bella Vista*, the subject site and the Development Site have been under separate, unrelated ownership since the Board's grant of the Variance and that, therefore, the applicant lacked control over the timing and nature of the development of the Development Site; and

WHEREAS, the Board also notes that a brief period of time elapsed between the issuance of the variance underlying the *Bella Vista* decision and the date of the permit application in which the owner proposed to use floor area transferred form the variance site, further distinguishing that case from the instant application; and

WHEREAS, the Board acknowledges that in *Bella Vista*, the permit application proposing to use floor area transferred from the variance site was filed only three years after the Board grant, which the subject Variance was issued 35 years ago, in 1980; and

WHEREAS, the Board agrees that the differences in timing and in the health of the respective real estate markets distinguish the *Bella Vista* case from the instance case and supports the conclusion that the use of the subject site's unused development rights was not foreseeable by the owner of the Development Site or the Board; and

WHEREAS, the Board finds that the proposed transfer of development rights does not implicate or affect the basis for its findings in general, and specifically the (b) and (e) findings, at the time that they were made; and

WHEREAS, the Board observes that this finding is based on both of infeasibility of assemblage at the time of the Variance and on the changing real estate market conditions in the neighborhood surrounding the subject site; and

WHEREAS, based upon its review of the record, the Board does not object to the transfer of unused development rights from the subject site or the proposed zoning lot merger, but notes that any further changes to the subject site that are inconsistent with prior approvals as subject to the Board's review and approval.

Therefore, it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, having been adopted on June 10, 1980, so that as amended this portion of the resolution shall read: "to permit the merger of the subject site with contiguous parcels on Block 597, in Manhattan, and the associated modifications to the BSA-approved site plan; and *on condition*:

THAT the zoning calculations, including any transfer of development rights, shall be subject to DOB's review and approval and shall be in full compliance with underlying bulk regulations;

THAT the site shall remain subject to the Board's jurisdiction, including modifications to the buildings on the site;

THAT all conditions from the prior resolution not specifically waived by the Board shall remain in effect;

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 8, 2016.

97-08-BZ

APPLICANT – Eric Palatnik P.C., for Yismach Moshe of Williamsburgh, Inc., owner.

SUBJECT – Application March 10, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously approved Special Permit (§73-19) permitting the legalization of an existing school (UG 3), which expired on March 16, 2012; Waiver of the Rules. M1-1 district.

PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 01736, Lot 0014, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure as well as an extension of time to obtain a Certificate of Occupancy for six-story yeshiva (Use Group 3), which expired on March 16, 2012; and

WHEREAS, a public hearing was held on this application on October 16, 2015, after due notice by publication in *The City Record*, with a continued hearing on December 1, 2015, and then to decision on February 2, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the application is brought on behalf of the Central United Talmudical Association (the "Yeshiva"); and

WHEREAS, the subject site is located on the west side of Sanford Street between Park Avenue and Myrtle Avenue, in an

M1-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 100 feet of frontage along Sanford Street, 10,000 sq. ft. of lot area, and is occupied by a six-story building operating as a yeshiva (Use Group 3); and

WHEREAS, the subject building has approximately 40,742 sq. ft. of floor area (4.07 FAR); and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 16, 2010 when, under the subject calendar number, the Board granted an application for a special permit allowing the legalization of the Yeshiva, pursuant to § 73-19, under certain conditions, including, *inter alia*, a requirement that a Certificate of Occupancy be obtained by March 16, 2012; and

WHEREAS, the time to obtain a Certificate of Occupancy has expired and the applicant now seeks an extension to obtain the Certificate of Occupancy; and

WHEREAS, the subject application was filed more than 30 days after the expiration of the time to obtain a Certificate of Occupancy, the applicant also requests a waiver under Rule of Practice and Procedure § 1-07.3(d)(2); and

WHEREAS, the applicant represents that the issuance of the Certificate of Occupancy has been delayed because of open Department of Buildings ("DOB") and Environmental Control Board ("ECB") applications and violations, which the Yeshiva has been diligently working to cure; and

WHEREAS, specifically, the applicant states that, as of February 29, 2016, six ECB violations and two DOB violations remain outstanding; that the remaining ECB violations will be resolved upon the issuance of the Certificate of Occupancy and the remaining DOB violations will be resolved when the new Alt. 1 application is approved and previous application withdrawn following the Board's approval of the subject application; and

WHEREAS, the applicant further represents that all construction on the subject site has been completed and that the premises are ADA-compliant; and

WHEREAS, the applicant asserts that the Yeshiva's current occupancy is approximately 850 students in grades 3 through 8, its current program includes 37 classrooms and that its current operations are consistent with those that existed at the time of the prior approval; and

WHEREAS, in response to the Board's concerns regarding indoor air quality at the premises, the applicant provided an Indoor Air Quality Survey indicating that the subject building is suitable for use as a school; and

WHEREAS, in response to the Board's questions regarding the sub-slab depression ("SSD") system installed in January 2010 to address the indoor contamination due to elevated volatile organic carbon ("VOC") levels, the applicant submitted an updated field inspection report, dated January 22, 2016, and photographs indicating that the SSD system is fully installed and operational and that the Yeshiva has engaged a consultant to perform yearly inspections of the SSD system to be documented and kept on file; and

WHEREAS, in response to the Board's concerns regarding noise levels and a condition of the prior grant that a window wall attenuation of 35 dBA be achieved on the front façade of the building and a window wall attenuation of 30 dBA be achieved on all other sides of the building, the applicant has provided the Board with a survey of indoor noise levels during peak hours indicating that the highest measured noise level was well under the 45 dBA noise level intrusion set by the New York City Department of Environmental Protection ("DEP"); and

WHEREAS, additionally, by letter dated January 29, 2016, the DEP states that it reviewed the noise requirements set in the Board's previous grant of the special permit at the subject premises to determine the applicant's compliance and determined that the Yeshiva does not cause significant adverse noise impacts; and

WHEREAS, at the Board's request, the Fire Department conducted an inspection of the subject premises and, by letter dated December 16, 2015, states that (1) an interior fire alarm system was installed, operational, approved by the Department of Buildings ("DOB") and tested by the Fired Department; (2) a sprinkler system is installed, operational, and has been inspected and approved; and (3) all conditions cited on Fire Department violations issued during previous inspections had been corrected and related Violation Orders had been cured; and

WHEREAS, accordingly, the Fire Department has no objections to the application; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives its Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated March 16, 2010, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Certificate of Occupancy to March 8, 2018; and *on further condition*:

THAT the applicant shall regularly monitor the operation of its SSD system and provide the Board with monitoring reports every six months;

THAT trash shall be picked up—by a public and/or private carting company—every day of the week except Saturday;

THAT trash shall be stored inside the premises until pickup;

THAT a Certificate of Occupancy for the premises shall be obtained by March 8, 2018;

THAT all current DOB and ECB violations on the premises be cured;

THAT a school crossing be arranged with the Department of Transportation and the appropriate school crossing signage installed;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals,

March 8, 2016.

732-41-BZ
APPLICANT – Eric Palatnik, P.C., for Leemilts Petroleum, owner; BP Products North America, Inc., lessee.
SUBJECT – Application April 17, 2015 – Amendment (§11-411) seek to reopen and amend a previously granted variance for residence Use Group 16 gasoline service station with accessory uses, located within an R4 zoning district.
PREMISES AFFECTED – 100-17 Beach Channel Drive. Block 01615, Lot 040, Borough of Queens.
COMMUNITY BOARD #14Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for decision, hearing closed.

636-54-BZ
APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for continued hearing.

526-76-BZ
APPLICANT – Vito J Fossella, P.E., for 1492 Victory Blvd. LLC., owner.
SUBJECT – Application May 19, 2014 – Amendment of a previously approved variance which permitted the conversion of a three story building consisting of two family residence and a store into a three story office building which expired on December 21, 1981. The Amendment seeks to eliminate the term. R2 zoning district.
PREMISES AFFECTED –1492 Victory Boulevard, south side of Victory Boulevard, Block 00681, Lot 33, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

382-80-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Full Gospel NY Church, owner.
SUBJECT – Application July 29, 2015 – Extension of Term of a previously approved variance permitting the operation of a theater (UG 8) on the mezzanine and second floor of an existing building which expired on July 1, 2015. R8B zoning district.
PREMISES AFFECTED – 316-318 East 91st Street, Block 1553, Lot 41, Borough of Manhattan.
COMMUNITY BOARD #8M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

1255-80-BZ
APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.
SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.
COMMUNITY BOARD #1Q
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

826-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

827-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January

26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 270-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

828-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartment, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

142-92-BZ
APPLICANT – Kramer Levin Naftalis & Frankel, LLP., for New York Methodist Hospital, owner.
SUBJECT – Application March 8, 2016 – Re-Hearing of a previously approved amendment of a special permit (§73-48) for a community facility (New York Methodist Hospital). The application seeks to amend the approved plans to accommodate required accessory parking in a new ambulatory care facility. R6, C1-3/R6 and R6B zoning district.
PREMISES AFFECTED – 473-541 6th Street, 502-522 8th Avenue, 480-498 & 542-548 5th Street, and 249-267 7th Avenue, Block bounded by 7th Avenue, 6th Avenue, 8th Avenue and 5th Street. Block 1084, Lots 39, 164, 1001 and 1002. Borough of Brooklyn.
COMMUNITY BOARD #6BK
ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

289-13-BZ
APPLICANT – Kramer Levin Naftalis & Frankel, LLP., for New York Methodist Hospital, owner.
SUBJECT – Application March 8, 2016 – Re-Hearing of a previously approved Variance (§72-21) permitting the development of a new, 304,000 s.f. ambulatory care facility on the campus of New York Methodist Hospital, contrary to floor area (§§24-11, 24-17 and 77-02), lot coverage (§24-11), rear yard (§24-382), height and setback (§24-522), rear yard setback (§24-552), and sign (§22-321) regulations. R6, C1-3/R6, and R6B zoning district.
PREMISES AFFECTED – 473-541 6th Street, 502-522 8th Avenue, 480-498 & 542-548 5th Street, and 249-267 7th Avenue, Block bounded by 7th Avenue, 6th Avenue, 8th Avenue and 5th Street. Block 1084, Lots 39, 164, 1001 and 1002. Borough of Brooklyn.
COMMUNITY BOARD #6BK
ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for continued hearing.

173-92-BZ
APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.
SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar. C2-8A zoning district.
PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.
COMMUNITY BOARD #8M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for decision, hearing closed.

173-93-BZ
APPLICANT – Eric Palatnik, P.C., for YMCA, owner.
SUBJECT – Application July 17, 2015 – Amendment of a previously approved variance permitting a community facility with accessory parking. The amendment seeks to incorporate the unused development rights into a new as of right hotel. M1-4 zoning district.
PREMISES AFFECTED – 32-23 Queens Boulevard aka 43-11 32nd Place, Block 244, Lot 24, Borough of Queens.
COMMUNITY BOARD #2Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 5, 2016, at 10 A.M., for decision, hearing closed.

189-09-BZ
APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.
SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.
PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

47-10-BZ
APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.
SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.
PREMISES AFFECTED – 895 Zerega Avenue aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.
COMMUNITY BOARD #9BX
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

87-12-BZ
APPLICANT – Troutman Sanders, LLP, for A & J Properties, LLC, owner.
SUBJECT – Application September 9, 2015 – Amendment (73-36) to permit a change in ownership of the PCE from Bally total fitness. C2-2/R4 zoning district.
PREMISES AFFECTED – 1720-1728 Sheepshead Bay Road, Block 8770, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

313-12-BZ
APPLICANT – Troutman Sanders, LLP, for Flatbush Delaware Holding LLC, owner.
SUBJECT – Application October 7, 2015 – Amendment of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment. The Amendment is to permit the change in ownership from "Bally Total Fitness" to 24 Hour Fitness, Inc. and to reflect change in signage. C4-2/C4-4A zoning district.
PREMISES AFFECTED – 1009 Flatbush Avenue, Block 5126, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #14BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

223-15-A
APPLICANT – Lauria Associates, for Jeffery Arcello, owner.
SUBJECT – Application September 23, 2016 – Proposed construction of a one story 15,000 square foot building with mezzanines throughout which does not have frontage on a legally mapped street contrary to Article 3, Section 36 of the General City Law. M1-1 Zoning District.
PREMISES AFFECTED – 638 Sharrotts Road, Block 7400, Lot 50, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –
WHEREAS, the decisions of the Staten Island Borough Commissioner dated September 2, 2015 acting on DOB Application No. 520247377, read in pertinent part:
The street giving access to proposed building is not duly placed on the official map of the City of New York therefore:
A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law
B) Proposed construction does not have at least 8% of the total perimeter of building(s) fronting directly upon a legally mapped street or frontage

space contrary to section 502.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a one-story building on a lot that does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on February 2, 2016, after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of the application; and

WHEREAS, the subject premises are located on the south side of Sharrotts Road, west of Arthur Kill Road, in an M1-1 zoning district and the Special South Richmond Development District, on Staten Island; and

WHEREAS, the applicant represents that the subject premises is approximately 68,635 sq. ft. of lot area and is presently vacant land used for storage; and

WHEREAS, the applicant proposes to construct a one-story building with mezzanines throughout the space and a total floor area of 19,500 sq. ft., comprised of three sections: two sections, each with 2,500 sq. ft. of floor area on the first floor and 750 sq. ft. of floor area in the mezzanine, and one section with 10,000 sq. ft. of floor area on the first floor and 3,000 sq. ft. of floor area in the mezzanine; and

WHEREAS, the applicant represents that the building would be accessed by a 30 foot curb cut on Sharrotts Road, a paved 30 foot wide street with a water main and fire hydrant and open from Arthur Kill Road and that, in addition, a 38 foot wide on-site roadway will be provided connecting all portions of the building with a 76 foot turn around at the far end of the property; and

WHEREAS, the applicant further represents that an easement in the bed of Sharrotts Road was created on December 15, 1989 for the installation of the water main, but that the easement was rendered immaterial by a Corporation Counsel Opinion, dated January 29, 1996, indicating that Sharrotts Road is open and in public use; and

WHEREAS, by letter dated February 1, 2016, the Fire Department states that it has no objections to the proposal under the following conditions: (1) roadway dimensions and layout shall be in accordance with the FDNY stamped plan; (2) a hydrant must be installed at the south termination of the cul-de-sac; (3) a plan must be filed with FDNY indicating that the main front entrance is fronting the Fire Department Access Road and a 30' x 30' frontage space is provided at that entrance; (4) a plan indicating the location of any required Siameses must be filed with FDNY; and (5) any Siamese connections provided must be within 100 feet of a working hydrant; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decisions of the DOB, dated September 2, 2015 acting on DOB Application No. 520247377, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 7, 2016"-One (1)sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the DOB;

THAT the subject building shall be fully sprinklered;

THAT roadway dimensions and layout shall be in accordance with the FDNY stamped plan;

THAT a hydrant must be installed at the south termination of the cul-de-sac;

THAT a plan must be filed with FDNY indicating that the main front entrance is fronting the Fire Department Access Road and a 30' x 30' frontage space is provided at that entrance;

THAT a plan indicating the location of any required Siameses must be filed with FDNY;

THAT any Siamese connections provided must be within 100 feet of a working hydrant;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1222-A
PREMISES: 3347 BARKER AVENUE, Bronx
Block 4622, Lot 38
Build it Back ID: APP-007892

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BARKER AVENUE within a R5A zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1223-A
PREMISES: 3415 BARKER AVENUE, Bronx
Block 4626, Lot 21
Build it Back ID: APP-025385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BARKER AVENUE within a R5A zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1224-A
PREMISES: 4643 BRONX BOULEVARD, Bronx
Block 5077, Lot 25
Build it Back ID: APP-020064

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRONX BOULEVARD within a R5 zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1225-A
PREMISES: 822 DEAN AVENUE, Bronx
Block 5479, Lot 94
Build it Back ID: APP-025586

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEAN AVENUE within a C3A zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1226-A
PREMISES: 180 PENNYFIELD AVENUE, Bronx
Block 5525, Lot 5
Build it Back ID: APP-008294

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PENNYFIELD AVENUE within a R3-1 zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1227-A
PREMISES: 4 CARROLL STREET, Bronx
Block 5628, Lot 5
Build it Back ID: APP-010556

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CARROLL STREET within a R3A zoning district, in Bronx; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1228-A
PREMISES: 332 CRESCENT STREET, Brooklyn
Block 4162, Lot 33
Build it Back ID: APP-000794

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CRESCENT STREET within a C8-1 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1229-A
PREMISES: 3229 MERMAID AVENUE, Brooklyn
Block 7007, Lot 153
Build it Back ID: APP-015121

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MERMAID AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1230-A**
PREMISES: **3228 MERMAID AVENUE, Brooklyn**
Block 7048, Lot 1
Build it Back ID: **APP-005618**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MERMAID AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1231-A
PREMISES: 1626 CANARSIE ROAD, Brooklyn
Block 8295, Lot 47
Build it Back ID: APP-018506

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CANARSIE ROAD within a R5 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1232-A
PREMISES: 64 BRIGHTON 1 PLACE, Brooklyn
Block 8670, Lot 90
Build it Back ID: APP-017373

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 1 PLACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1233-A
PREMISES: 51 BRIGHTON 1 PLACE, Brooklyn
Block 8671, Lot 62
Build it Back ID: APP-012390

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 1 PLACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1234-A
PREMISES: 207 BRIGHTON 1 WALK, Brooklyn
Block 8671, Lot 58
Build it Back ID: APP-018945

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 1 WALK within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1235-A
PREMISES: 3045 BRIGHTON 1 PLACE, Brooklyn
Block 8671, Lot 66
Build it Back ID: APP-017685

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 1 PLACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1236-A
PREMISES: 55 BRIGHTON 10 COURT, Brooklyn
Block 8701, Lot 50
Build it Back ID: APP-014469

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1237-A
PREMISES: 49 BRIGHTON 10 COURT, Brooklyn
Block 8701, Lot 64
Build it Back ID: APP-016382

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1238-A
PREMISES: 61 BRIGHTON 10 STREET, Brooklyn
Block 8701, Lot 36
Build it Back ID: APP-008631

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1239-A
PREMISES: 62 BRIGHTON 10 STREET, Brooklyn
Block 8701, Lot 35
Build it Back ID: APP-018546

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1240-A
PREMISES: 37 BRIGHTON 10 COURT, Brooklyn
Block 8701, Lot 84
Build it Back ID: APP-006223

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1241-A
PREMISES: 10 BRIGHTON 10 COURT, Brooklyn
Block 8702, Lot 1
Build it Back ID: APP-018285

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1242-A
PREMISES: 6 BRIGHTON 10 COURT, Brooklyn
Block 8702, Lot 96
Build it Back ID: APP-022312

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1243-A
PREMISES: 8 Brighton 10 Path, Brooklyn
Block 8702, Lot 6
Build it Back ID: APP-018189

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Brighton 10 Path within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1244-A
PREMISES: 11 BRIGHTON 10 PATH, Brooklyn
Block 8702, Lot 34
Build it Back ID: APP-020938

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 PATH within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1245-A
PREMISES: 22 BRIGHTON 10 COURT, Brooklyn
Block 8702, Lot 12
Build it Back ID: APP-018314

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1246-A
PREMISES: 26 BRIGHTON 10 COURT, Brooklyn
Block 8702, Lot 16
Build it Back ID: APP-020260

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 COURT within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1247-A
PREMISES: 12 BRIGHTON 10 PATH, Brooklyn
Block 8703, Lot 53
Build it Back ID: APP-021331

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 PATH within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1248-A
PREMISES: 22 BRIGHTON 10 PATH, Brooklyn
Block 8703, Lot 61
Build it Back ID: APP-015010

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 PATH within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1249-A
PREMISES: 7 BRIGHTON 10 TERRACE, Brooklyn
Block 8703, Lot 81
Build it Back ID: APP-015279

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1250-A
PREMISES: 3 BRIGHTON 10 TERRACE, Brooklyn
Block 8703, Lot 85
Build it Back ID: APP-016743

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1251-A
PREMISES: 9 BRIGHTON 10 TERRACE, Brooklyn
Block 8703, Lot 80
Build it Back ID: APP-016744

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1252-A
PREMISES: 17 BRIGHTON 10 TERRACE, Brooklyn
Block 8703, Lot 72
Build it Back ID: APP-016746

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1253-A
PREMISES: 30 BRIGHTON 10 PATH, Brooklyn
Block 8703, Lot 65
Build it Back ID: APP-020942

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 PATH within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1254-A
PREMISES: 24 BRIGHTON 10 PATH, Brooklyn
Block 8703, Lot 62
Build it Back ID: APP-020947

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 PATH within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1255-A
PREMISES: 3075 CONEY ISLAND AVENUE, Brooklyn
Block 8703, Lot 88
Build it Back ID: APP-021968

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CONEY ISLAND AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1256-A
PREMISES: 9 BRIGHTON 10 LANE, Brooklyn
Block 8704, Lot 3
Build it Back ID: APP-008670

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 LANE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1257-A
PREMISES: 18 BRIGHTON 10 TERRACE, Brooklyn
Block 8704, Lot 92
Build it Back ID: APP-016014

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1258-A
PREMISES: 12 BRIGHTON 10 TERRACE, Brooklyn
Block 8704, Lot 84
Build it Back ID: APP-019299

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1259-A
PREMISES: 10 BRIGHTON 10 TERRACE, Brooklyn
Block 8704, Lot 82
Build it Back ID: APP-007616

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1260-A
PREMISES: 14 BRIGHTON 10 TERRACE, Brooklyn
Block 8704, Lot 86
Build it Back ID: APP-016879

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 TERRACE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1261-A
PREMISES: 8 BRIGHTON 10 LANE, Brooklyn
Block 8705, Lot 18
Build it Back ID: APP-013200

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 LANE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1262-A
PREMISES: 4 BRIGHTON 10 LANE, Brooklyn
Block 8705, Lot 14
Build it Back ID: APP-025230

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 LANE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1263-A
PREMISES: 10 BRIGHTON 10 LANE, Brooklyn
Block 8705, Lot 20
Build it Back ID: APP-002344

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 LANE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1264-A
PREMISES: 204 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 3
Build it Back ID: APP-000680

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a C8-1 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1265-A
PREMISES: 202 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 7
Build it Back ID: APP-002675

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1266-A
PREMISES: 201 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 9
Build it Back ID: APP-008928

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1267-A
PREMISES: 193 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 25
Build it Back ID: APP-010840

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1268-A
PREMISES: 190 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 31
Build it Back ID: APP-013447

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1269-A
PREMISES: 183 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 45
Build it Back ID: APP-017181

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1270-A
PREMISES: 203 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 5
Build it Back ID: APP-020983

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET partially within a R6 zoning district and partially within a C8-1 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1271-A
PREMISES: 143 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 55
Build it Back ID: APP-008170

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1272-A
PREMISES: 189 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 33
Build it Back ID: APP-009218

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1273-A
PREMISES: 179 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 53
Build it Back ID: APP-012385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1274-A
PREMISES: 141 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 54
Build it Back ID: APP-015848

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1275-A
PREMISES: 145 BRIGHTON 10 STREET, Brooklyn
Block 8707, Lot 56
Build it Back ID: APP-015849

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIGHTON 10 STREET within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1276-A
PREMISES: 2746 EAST 22 STREET, Brooklyn
Block 8777, Lot 27
Build it Back ID: APP-011912

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 22 STREET within a R4 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1277-A
PREMISES: 2751 EAST 21 STREET, Brooklyn
Block 8777, Lot 36
Build it Back ID: APP-017386

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 21 STREET within a R4 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1278-A
PREMISES: 111 NEPTUNE AVENUE, Brooklyn
Block 8812, Lot 117
Build it Back ID: APP-021663

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEPTUNE AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1279-A
PREMISES: 129 NEPTUNE AVENUE, Brooklyn
Block 8812, Lot 111
Build it Back ID: APP-018194

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEPTUNE AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1280-A
PREMISES: 97 NEPTUNE AVENUE, Brooklyn
Block 8812, Lot 121
Build it Back ID: APP-018294

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEPTUNE AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1281-A
PREMISES: 135 NEPTUNE AVENUE, Brooklyn
Block 8812, Lot 209
Build it Back ID: APP-018304

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEPTUNE AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1282-A
PREMISES: 117 NEPTUNE AVENUE, Brooklyn
Block 8812, Lot 115
Build it Back ID: APP-023831

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEPTUNE AVENUE within a R6 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1283-A
PREMISES: 3086 GERRITSEN AVENUE, Brooklyn
Block 8845, Lot 1932
Build it Back ID: APP-000646

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GERRITSEN AVENUE within a R4 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1284-A
PREMISES: 2 CANTON COURT, Brooklyn
Block 8845, Lot 2066
Build it Back ID: APP-014674

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CANTON COURT within a R4 zoning district, in Brooklyn; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1285-A**
PREMISES: **32-48 55 STREET, Queens**
Block 1156, Lot 33
Build it Back ID: **APP-002739**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 55 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1286-A
PREMISES: 32-12 60 STREET, Queens
Block 1160, Lot 14
Build it Back ID: APP-021105

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 60 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1287-A
PREMISES: 25-25 CURTIS STREET, Queens
Block 1655, Lot 7
Build it Back ID: APP-025029

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CURTIS STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1288-A
PREMISES: 123-18 LAX AVENUE, Queens
Block 3921, Lot 24
Build it Back ID: APP-002908

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LAX AVENUE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1289-A
PREMISES: 5-21 COLLEGE PLACE, Queens
Block 3940, Lot 6
Build it Back ID: APP-006908

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLEGE PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1290-A
PREMISES: 28-06 119 STREET, Queens
Block 4315, Lot 59
Build it Back ID: APP-025715

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 119 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1291-A**
PREMISES: **160-06 35 AVENUE, Queens**
Block 5280, Lot 49
Build it Back ID: **APP-005058**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 35 AVENUE within a R1-2A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1292-A
PREMISES: 35-77 163 STREET, Queens
Block 5283, Lot 14
Build it Back ID: APP-017993

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 STREET within a R1-2A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1293-A
PREMISES: 135-08 BOOTH MEMORIAL AVENUE, Queens
Block 6360, Lot 25
Build it Back ID: APP-019624

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOOTH MEMORIAL AVENUE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1294-A
PREMISES: 63-03 136 STREET, Queens
Block 6395, Lot 14
Build it Back ID: APP-002385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 136 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1295-A
PREMISES: 61-52 172 STREET, Queens
Block 6899, Lot 1
Build it Back ID: APP-012543

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 172 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1296-A
PREMISES: 41-34 ORIENT AVENUE, Queens
Block 8105, Lot 54
Build it Back ID: APP-018780

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORIENT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1297-A
PREMISES: 42-60 248 STREET, Queens
Block 8119, Lot 32
Build it Back ID: APP-022389

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 248 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1298-A
PREMISES: 46-20 241 STREET, Queens
Block 8168, Lot 23
Build it Back ID: APP-017783

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 241 STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1299-A**
PREMISES: **245-16 RUSHMORE AVENUE, Queens**
Block 8199, Lot 183
Build it Back ID: **APP-019693**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUSHMORE AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1300-A
PREMISES: 46-30 MARATHON PARKWAY, Queens
Block 8215, Lot 68
Build it Back ID: APP-019961

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARATHON PARKWAY within a R2A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1301-A
PREMISES: 84-18 115 STREET, Queens
Block 9214, Lot 29
Build it Back ID: APP-024810

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 115 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1302-A
PREMISES: 104-66 116 STREET, Queens
Block 9538, Lot 37
Build it Back ID: APP-007391

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 116 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1303-A
PREMISES: 107-12 113 STREET, Queens
Block 9550, Lot 11
Build it Back ID: APP-021759

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 113 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1304-A
PREMISES: 104-27 125 STREET, Queens
Block 9579, Lot 81
Build it Back ID: APP-024972

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 125 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1305-A
PREMISES: 105-36 131 STREET, Queens
Block 9590, Lot 29
Build it Back ID: APP-013582

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 131 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1306-A
PREMISES: 107-59 118 STREET, Queens
Block 9598, Lot 48
Build it Back ID: APP-010022

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 118 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1307-A
PREMISES: 107-38 126 STREET, Queens
Block 9605, Lot 25
Build it Back ID: APP-008707

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 126 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1308-A
PREMISES: 88-64 180 STREET, Queens
Block 9915, Lot 68
Build it Back ID: APP-018406

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 180 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1309-A
PREMISES: 107-14 WATSON PLACE, Queens
Block 10251, Lot 13
Build it Back ID: APP-007437

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WATSON PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1310-A
PREMISES: 107-64 WATSON PLACE, Queens
Block 10251, Lot 39
Build it Back ID: APP-009697

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WATSON PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1311-A
PREMISES: 109-14 FARMERS BOULEVARD, Queens
Block 10379, Lot 56
Build it Back ID: APP-016915

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FARMERS BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1312-A
PREMISES: 90-21 197 STREET, Queens
Block 10466, Lot 29
Build it Back ID: APP-004002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 197 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1313-A
PREMISES: 197-07 89 AVENUE, Queens
Block 10472, Lot 32
Build it Back ID: APP-008714

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 89 AVENUE within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1314-A
PREMISES: 199-23 KENO AVENUE, Queens
Block 10526, Lot 85
Build it Back ID: APP-022132

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KENO AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1315-A
PREMISES: 86-15 MARENGO STREET, Queens
Block 10526, Lot 123
Build it Back ID: APP-022144

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARENGO STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1316-A**
PREMISES: **216-19 90 AVENUE, Queens**
Block 10660, Lot 5
Build it Back ID: **APP-018001**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 90 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1317-A**
PREMISES: **191-53 115 AVENUE, Queens**
Block 11009, Lot 32
Build it Back ID: **APP-010569**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 115 AVENUE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1318-A**
PREMISES: **218-17 109 AVENUE, Queens**
Block 11183, Lot 23
Build it Back ID: **APP-001149**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 109 AVENUE within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1319-A
PREMISES: 94-16 133 AVENUE, Queens
Block 11491, Lot 9
Build it Back ID: APP-003833

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 133 AVENUE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1320-A**
PREMISES: **109-45 114 STREET, Queens**
Block 11595, Lot 46
Build it Back ID: **APP-012546**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 114 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1321-A
PREMISES: 109-50 115 STREET, Queens
Block 11595, Lot 31
Build it Back ID: APP-023160

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 115 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1322-A
PREMISES: 114-22 117 STREET, Queens
Block 11643, Lot 17
Build it Back ID: APP-025336

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 117 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1323-A
PREMISES: 115-76 LEFFERTS BOULEVARD, Queens
Block 11711, Lot 64
Build it Back ID: APP-003922

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEFFERTS BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1324-A
PREMISES: 117-72 142 STREET, Queens
Block 12013, Lot 39
Build it Back ID: APP-011857

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 142 STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1325-A
PREMISES: 142-33 122 AVENUE, Queens
Block 12037, Lot 137
Build it Back ID: APP-025388

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 122 AVENUE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1326-A
PREMISES: 115-71 155 STREET, Queens
Block 12193, Lot 1
Build it Back ID: APP-007179

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 155 STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1327-A
PREMISES: 119-44 155 STREET, Queens
Block 12214, Lot 31
Build it Back ID: APP-016963

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 155 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1328-A**
PREMISES: **155-61 116 ROAD, Queens**
Block 12224, Lot 80
Build it Back ID: **APP-018092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 116 ROAD within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1329-A
PREMISES: 122-24 161 PLACE, Queens
Block 12255, Lot 36
Build it Back ID: APP-010101

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 161 PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1330-A
PREMISES: 122-03 161 PLACE, Queens
Block 12256, Lot 18
Build it Back ID: APP-010748

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 161 PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1331-A**
PREMISES: **169-32 144 ROAD, Queens**
Block 12598, Lot 100
Build it Back ID: **APP-024704**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 144 ROAD within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1332-A
PREMISES: 117-15 196 STREET, Queens
Block 12617, Lot 38
Build it Back ID: APP-018428

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 196 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1333-A
PREMISES: 118-17 197 STREET, Queens
Block 12622, Lot 58
Build it Back ID: APP-015559

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 197 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1334-A
PREMISES: 121-05 MILBURN STREET, Queens
Block 12667, Lot 16
Build it Back ID: APP-016720

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILBURN STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1335-A
PREMISES: 121-01 197 STREET, Queens
Block 12683, Lot 39
Build it Back ID: APP-013268

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 197 STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1336-A
PREMISES: 132-10 Hook Creek Boulevard, Queens
Block 12981, Lot 119
Build it Back ID: APP-013090

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Hook Creek Boulevard within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1337-A
PREMISES: 220-07 138 AVENUE, Queens
Block 13126, Lot 9
Build it Back ID: APP-024830

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 138 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1338-A
PREMISES: 144-67 177 STREET, Queens
Block 13291, Lot 44
Build it Back ID: APP-021835

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 177 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1339-A
PREMISES: 146-83 182 STREET, Queens
Block 13359, Lot 30
Build it Back ID: APP-021554

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 182 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1340-A
PREMISES: 145-66 224 STREET, Queens
Block 13471, Lot 57
Build it Back ID: APP-008833

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 224 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1341-A
PREMISES: 145-55 224 STREET, Queens
Block 13472, Lot 25
Build it Back ID: APP-006213

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 224 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1342-A
PREMISES: 145-118 225 STREET, Queens
Block 13472, Lot 73
Build it Back ID: APP-009737

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 225 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1343-A
PREMISES: 145-81 224 STREET, Queens
Block 13472, Lot 14
Build it Back ID: APP-009071

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 224 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1344-A
PREMISES: 220-11 145 ROAD, Queens
Block 13477, Lot 5
Build it Back ID: APP-008891

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 145 ROAD within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1345-A
PREMISES: 145-19 222 STREET, Queens
Block 13479, Lot 14
Build it Back ID: APP-024182

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 222 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1346-A
PREMISES: 145-08 HOOK CREEK BOULEVARD, Queens
Block 13603, Lot 31
Build it Back ID: APP-002746

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOOK CREEK BOULEVARD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1347-A
PREMISES: 255-23 147 DRIVE, Queens
Block 13664, Lot 19
Build it Back ID: APP-006603

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 147 DRIVE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1348-A
PREMISES: 255-10 147 DRIVE, Queens
Block 13665, Lot 111
Build it Back ID: APP-007002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 147 DRIVE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1349-A
PREMISES: 259-25 149 AVENUE, Queens
Block 13689, Lot 75
Build it Back ID: APP-005033

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 149 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1350-A
PREMISES: 259-12 149 AVENUE, Queens
Block 13690, Lot 37
Build it Back ID: APP-023115

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 149 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1351-A
PREMISES: 156-09 102 STREET, Queens
Block 14147, Lot 24
Build it Back ID: APP-016647

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1352-A
PREMISES: 157-42 98 STREET, Queens
Block 14158, Lot 36
Build it Back ID: APP-004753

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1353-A
PREMISES: 157-18 98 STREET, Queens
Block 14158, Lot 25
Build it Back ID: APP-004212

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1354-A**
PREMISES: **157-17 98 STREET, Queens**
Block 14159, Lot 53
Build it Back ID: **APP-004757**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1355-A
PREMISES: 157-29 98 STREET, Queens
Block 14159, Lot 47
Build it Back ID: APP-008267

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1356-A
PREMISES: 157-25 98 STREET, Queens
Block 14159, Lot 49
Build it Back ID: APP-014545

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1357-A
PREMISES: 98-01 158 AVENUE, Queens
Block 14159, Lot 35
Build it Back ID: APP-024624

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 158 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1358-A**
PREMISES: **158-47 102 STREET, Queens**
Block 14172, Lot 67
Build it Back ID: **APP-000521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1359-A**
PREMISES: **158-09 102 STREET, Queens**
Block 14172, Lot 85
Build it Back ID: **APP-004574**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1360-A
PREMISES: 158-35 102 STREET, Queens
Block 14172, Lot 72
Build it Back ID: APP-004888

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1361-A**
PREMISES: **158-23 102 STREET, Queens**
Block 14172, Lot 78
Build it Back ID: **APP-007515**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1362-A
PREMISES: 158-45 102 STREET, Queens
Block 14172, Lot 69
Build it Back ID: APP-007849

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1363-A
PREMISES: 158-19 102 STREET, Queens
Block 14172, Lot 79
Build it Back ID: APP-008312

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1364-A
PREMISES: 158-07 102 STREET, Queens
Block 14172, Lot 86
Build it Back ID: APP-012772

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1365-A
PREMISES: 158-01 102 STREET, Queens
Block 14172, Lot 89
Build it Back ID: APP-016565

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1366-A
PREMISES: 158-17 102 STREET, Queens
Block 14172, Lot 81
Build it Back ID: APP-016917

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1367-A
PREMISES: 158-27 102 STREET, Queens
Block 14172, Lot 75
Build it Back ID: APP-017702

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1368-A
PREMISES: 156-39 102 STREET, Queens
Block 14172, Lot 1
Build it Back ID: APP-018558

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1369-A
PREMISES: 156-31 102 STREET, Queens
Block 14172, Lot 2
Build it Back ID: APP-021380

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1370-A
PREMISES: 156-41 102 STREET, Queens
Block 14172, Lot 3
Build it Back ID: APP-021419

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1371-A**
PREMISES: **158-31 102 STREET, Queens**
Block 14172, Lot 74
Build it Back ID: **APP-022577**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1372-A
PREMISES: 95-07 160 AVENUE, Queens
Block 14175, Lot 36
Build it Back ID: APP-016805

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1373-A**
PREMISES: **159-51 95 STREET, Queens**
Block 14175, Lot 39
Build it Back ID: **APP-016518**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 95 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1374-A
PREMISES: 159-47 97 STREET, Queens
Block 14177, Lot 37
Build it Back ID: APP-019260

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 97 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1375-A
PREMISES: 97-11 160 AVENUE, Queens
Block 14177, Lot 31
Build it Back ID: APP-023386

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1376-A
PREMISES: 159-47 98 STREET, Queens
Block 14178, Lot 37
Build it Back ID: APP-005760

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 98 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1377-A
PREMISES: 98-07 160 AVENUE, Queens
Block 14178, Lot 35
Build it Back ID: APP-010983

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1378-A
PREMISES: 98-11 160 AVENUE, Queens
Block 14178, Lot 33
Build it Back ID: APP-025357

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1379-A
PREMISES: 99-09 160 AVENUE, Queens
Block 14179, Lot 34
Build it Back ID: APP-017426

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1380-A
PREMISES: 99-11 160 AVENUE, Queens
Block 14179, Lot 32
Build it Back ID: APP-017964

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1381-A**
PREMISES: **100-09 160 AVENUE, Queens**
Block 14180, Lot 34
Build it Back ID: **APP-002590**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1382-A**
PREMISES: **100-15 160 AVENUE, Queens**
Block 14180, Lot 32
Build it Back ID: **APP-004654**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1383-A
PREMISES: 101-15 160 AVENUE, Queens
Block 14181, Lot 32
Build it Back ID: APP-009270

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1384-A**
PREMISES: **101-01 160 AVENUE, Queens**
Block 14181, Lot 38
Build it Back ID: **APP-010220**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1385-A**
PREMISES: **101-09 160 AVENUE, Queens**
Block 14181, Lot 34
Build it Back ID: **APP-016045**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1386-A
PREMISES: 159-54 102 STREET, Queens
Block 14181, Lot 29
Build it Back ID: APP-019368

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 102 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1387-A**
PREMISES: **101-05 160 AVENUE, Queens**
Block 14181, Lot 36
Build it Back ID: **APP-024479**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1388-A**
PREMISES: **102-36 160 AVENUE, Queens**
Block 14182, Lot 67
Build it Back ID: **APP-002173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1389-A
PREMISES: 102-25 160 AVENUE, Queens
Block 14182, Lot 68
Build it Back ID: APP-004495

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1390-A
PREMISES: 102-34A 160 AVENUE, Queens
Block 14182, Lot 66
Build it Back ID: APP-005763

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1391-A
PREMISES: 95-08 160 AVENUE, Queens
Block 14185, Lot 3
Build it Back ID: APP-002074

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1392-A
PREMISES: 160-01 95 STREET, Queens
Block 14185, Lot 1
Build it Back ID: APP-014420

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 95 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1393-A
PREMISES: 95-12 160 AVENUE, Queens
Block 14185, Lot 6
Build it Back ID: APP-024244

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1394-A
PREMISES: 96-16 160 AVENUE, Queens
Block 14186, Lot 7
Build it Back ID: APP-019779

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1395-A
PREMISES: 96-12 160 AVENUE, Queens
Block 14186, Lot 5
Build it Back ID: APP-022201

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1396-A
PREMISES: 97-10 160 AVENUE, Queens
Block 14187, Lot 3
Build it Back ID: APP-018797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1397-A
PREMISES: 98-02 160 AVENUE, Queens
Block 14188, Lot 1
Build it Back ID: APP-025152

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1398-A**
PREMISES: **162-53 95 STREET, Queens**
Block 14197, Lot 34
Build it Back ID: **APP-008247**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 95 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1399-A**
PREMISES: **162-50 96 STREET, Queens**
Block 14197, Lot 32
Build it Back ID: **APP-008877**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 96 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1400-A
PREMISES: 96-03 163 AVENUE, Queens
Block 14198, Lot 36
Build it Back ID: APP-015627

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1401-A
PREMISES: 98-11 163 AVENUE, Queens
Block 14200, Lot 33
Build it Back ID: APP-006148

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1402-A
PREMISES: 98-05 163 AVENUE, Queens
Block 14200, Lot 35
Build it Back ID: APP-014540

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1403-A
PREMISES: 98-15 163 AVENUE, Queens
Block 14200, Lot 31
Build it Back ID: APP-018151

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1404-A**
PREMISES: **98-17 163 AVENUE, Queens**
Block 14200, Lot 29
Build it Back ID: **APP-018322**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1405-A
PREMISES: 96-12 163 AVENUE, Queens
Block 14204, Lot 5
Build it Back ID: APP-001810

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1406-A
PREMISES: 96-04 163 AVENUE, Queens
Block 14204, Lot 1
Build it Back ID: APP-024723

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1407-A
PREMISES: 96-18 163 AVENUE, Queens
Block 14204, Lot 7
Build it Back ID: APP-009814

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1408-A
PREMISES: 98-02 163 AVENUE, Queens
Block 14206, Lot 1
Build it Back ID: APP-019220

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1409-A
PREMISES: 98-12 163 AVENUE, Queens
Block 14206, Lot 5
Build it Back ID: APP-021646

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1410-A
PREMISES: 98-06 163 AVENUE, Queens
Block 14206, Lot 3
Build it Back ID: APP-022601

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1411-A
PREMISES: 98-20 163 AVENUE, Queens
Block 14206, Lot 9
Build it Back ID: APP-023876

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 163 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1412-A
PREMISES: 101-18 160 AVENUE, Queens
Block 14225, Lot 35
Build it Back ID: APP-006313

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1413-A
PREMISES: 99-02 160 AVENUE, Queens
Block 14225, Lot 1
Build it Back ID: APP-008472

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1414-A
PREMISES: 100-14 160 AVENUE, Queens
Block 14225, Lot 20
Build it Back ID: APP-011700

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1415-A
PREMISES: 101-06 160 AVENUE, Queens
Block 14225, Lot 29
Build it Back ID: APP-017953

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1416-A
PREMISES: 101-02 160 AVENUE, Queens
Block 14225, Lot 27
Build it Back ID: APP-023913

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1417-A
PREMISES: 101-16 160 AVENUE, Queens
Block 14225, Lot 33
Build it Back ID: APP-013419

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1418-A**
PREMISES: **99-10 160 AVENUE, Queens**
Block 14225, Lot 5
Build it Back ID: **APP-018105**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE partially within a R3-1 zoning district and partially within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1419-A
PREMISES: 99-06 160 AVENUE, Queens
Block 14225, Lot 3
Build it Back ID: APP-018643

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1420-A**
PREMISES: **102-20 160 AVENUE, Queens**
Block 14234, Lot 295
Build it Back ID: **APP-008800**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1421-A
PREMISES: 102-10 160 AVENUE, Queens
Block 14234, Lot 277
Build it Back ID: APP-011046

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1422-A
PREMISES: 102-22 160 AVENUE, Queens
Block 14234, Lot 296
Build it Back ID: APP-018176

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1423-A
PREMISES: 329 BERT ROAD, Queens
Block 15304, Lot 2
Build it Back ID: APP-011177

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BERT ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1424-A
PREMISES: 331 BERT ROAD, Queens
Block 15304, Lot 1
Build it Back ID: APP-014170

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BERT ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1425-A
PREMISES: 701 SHAD CREEK ROAD, Queens
Block 15308, Lot 56
Build it Back ID: APP-007667

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1426-A
PREMISES: 919 SHAD CREEK ROAD, Queens
Block 15308, Lot 14
Build it Back ID: APP-012863

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1427-A
PREMISES: 929 SHAD CREEK ROAD, Queens
Block 15308, Lot 7
Build it Back ID: APP-019139

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1428-A
PREMISES: 911 SHAD CREEK ROAD, Queens
Block 15308, Lot 19
Build it Back ID: APP-005173

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1429-A
PREMISES: 718 LANARK ROAD, Queens
Block 15459, Lot 1
Build it Back ID: APP-000221

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANARK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1430-A
PREMISES: 12-06 CROSSBAY BOULEVARD, Queens
Block 15477, Lot 21
Build it Back ID: APP-000332

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1431-A**
PREMISES: **16-33 CHURCH ROAD, Queens**
Block 15482, Lot 28
Build it Back ID: **APP-003698**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1432-A
PREMISES: 16-37 CHURCH ROAD, Queens
Block 15482, Lot 26
Build it Back ID: APP-010438

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1433-A
PREMISES: 16-35 CHURCH ROAD, Queens
Block 15482, Lot 27
Build it Back ID: APP-020375

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1434-A
PREMISES: 1831 CHANNEL ROAD, Queens
Block 15483, Lot 3
Build it Back ID: APP-021907

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1435-A
PREMISES: 1834 CHANNEL ROAD, Queens
Block 15484, Lot 2
Build it Back ID: APP-004628

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1436-A
PREMISES: 1827 CHURCH ROAD, Queens
Block 15484, Lot 6
Build it Back ID: APP-004919

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1437-A
PREMISES: 1814 CHANNEL ROAD, Queens
Block 15484, Lot 15
Build it Back ID: APP-011039

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1438-A
PREMISES: 18-25 CHURCH ROAD, Queens
Block 15484, Lot 7
Build it Back ID: APP-022873

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2647-A
APPLICANT – Mayor's Office of Housing Recovery Operations ("HRO")
SUBJECT – Application – Waiver of General City Law 35 for 2899 properties destroyed or substantially damaged by Hurricane Sandy filed by HRO on behalf of individual property owners enrolled in New York City's Build-It-Back ("BIB") program.
PREMISES AFFECTED – Various Sites in Brooklyn, Queens and Staten Island.
ACTION OF THE BOARD – Application withdrawn.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1441-A
PREMISES: 12-36 SAGE STREET, Queens
Block 15508, Lot 13
Build it Back ID: APP-024750

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SAGE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1442-A
PREMISES: 21-18 NAMEOKE AVENUE, Queens
Block 15525, Lot 47
Build it Back ID: APP-025257

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1443-A
PREMISES: 16-18 REDFERN AVENUE, Queens
Block 15526, Lot 39
Build it Back ID: APP-020854

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on REDFERN AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1444-A
PREMISES: 13-72 BEACH CHANNEL DRIVE, Queens
Block 15526, Lot 1
Build it Back ID: APP-025461

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH CHANNEL DRIVE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1445-A
PREMISES: 12-18 CHANNING ROAD, Queens
Block 15541, Lot 62
Build it Back ID: APP-022398

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNING ROAD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1446-A
PREMISES: 1120 NAMEOKE STREET, Queens
Block 15543, Lot 11
Build it Back ID: APP-012768

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1447-A
PREMISES: 11-21 NEILSON STREET, Queens
Block 15543, Lot 77
Build it Back ID: APP-008813

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEILSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1448-A
PREMISES: 11-42 NAMEOKE STREET, Queens
Block 15543, Lot 23
Build it Back ID: APP-012002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1449-A
PREMISES: 11-52 NAMEOKE STREET, Queens
Block 15543, Lot 29
Build it Back ID: APP-017520

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1450-A
PREMISES: 11-33 NEILSON STREET, Queens
Block 15543, Lot 70
Build it Back ID: APP-024586

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEILSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1451-A
PREMISES: 11-31 NAMEOKE STREET, Queens
Block 15544, Lot 57
Build it Back ID: APP-017734

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1452-A
PREMISES: 11-45 NAMEOKE STREET, Queens
Block 15544, Lot 48
Build it Back ID: APP-009036

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1453-A
PREMISES: 11-49 NAMEOKE STREET, Queens
Block 15544, Lot 47
Build it Back ID: APP-016053

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1454-A
PREMISES: 11-19 SAGE STREET, Queens
Block 15551, Lot 50
Build it Back ID: APP-008232

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SAGE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1455-A
PREMISES: 740 EMPIRE AVENUE, Queens
Block 15551, Lot 55
Build it Back ID: APP-024078

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EMPIRE AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1456-A
PREMISES: 710B BEACH 19 STREET, Queens
Block 15563, Lot 84
Build it Back ID: APP-017536

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 19 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1457-A
PREMISES: 19-27 NEW HAVEN AVENUE, Queens
Block 15566, Lot 23
Build it Back ID: APP-018794

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1458-A
PREMISES: 742 BEACH 9 STREET, Queens
Block 15571, Lot 18
Build it Back ID: APP-024746

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 9 STREET within a R2X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1459-A
PREMISES: 9-19 CORNAGA AVENUE, Queens
Block 15572, Lot 21
Build it Back ID: APP-003374

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CORNAGA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1460-A
PREMISES: 12-30 CAFFREY AVENUE, Queens
Block 15573, Lot 90
Build it Back ID: APP-023841

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAFFREY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1461-A
PREMISES: 17-20 NEW HAVEN AVENUE, Queens
Block 15574, Lot 96
Build it Back ID: APP-015113

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1462-A
PREMISES: 14-67 GATEWAY BOULEVARD, Queens
Block 15574, Lot 3
Build it Back ID: APP-015752

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GATEWAY BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1463-A
PREMISES: 12-37 CAFFREY AVENUE, Queens
Block 15585, Lot 3
Build it Back ID: APP-020644

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAFFREY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1464-A
PREMISES: 831 MEEHAN AVENUE, Queens
Block 15598, Lot 600
Build it Back ID: APP-002135

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1465-A
PREMISES: 815 MEEHAN AVENUE, Queens
Block 15598, Lot 609
Build it Back ID: APP-009708

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1466-A
PREMISES: 827 MEEHAN AVENUE, Queens
Block 15598, Lot 603
Build it Back ID: APP-021786

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1467-A
PREMISES: 811 MEEHAN AVENUE, Queens
Block 15598, Lot 611
Build it Back ID: APP-021945

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1468-A
PREMISES: 813 MEEHAN AVENUE, Queens
Block 15598, Lot 610
Build it Back ID: APP-022164

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1469-A
PREMISES: 830 MEEHAN AVENUE, Queens
Block 15599, Lot 644
Build it Back ID: APP-000937

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1470-A
PREMISES: 822 MEEHAN AVENUE, Queens
Block 15599, Lot 640
Build it Back ID: APP-001009

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1471-A
PREMISES: 826 MEEHAN AVENUE, Queens
Block 15599, Lot 642
Build it Back ID: APP-001246

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1472-A
PREMISES: 812 MEEHAN AVENUE, Queens
Block 15599, Lot 635
Build it Back ID: APP-007519

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1473-A
PREMISES: 328 Beach 9 STREET, Queens
Block 15599, Lot 647
Build it Back ID: APP-011058

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 9 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1474-A
PREMISES: 824 MEEHAN AVENUE, Queens
Block 15599, Lot 641
Build it Back ID: APP-021001

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1475-A
PREMISES: 828 MEEHAN AVENUE, Queens
Block 15599, Lot 643
Build it Back ID: APP-022965

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1476-A
PREMISES: 816 MEEHAN AVENUE, Queens
Block 15599, Lot 637
Build it Back ID: APP-005085

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1477-A
PREMISES: 818 MEEHAN AVENUE, Queens
Block 15599, Lot 638
Build it Back ID: APP-023213

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEEHAN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1478-A
PREMISES: 208 BEACH 3 STREET, Queens
Block 15601, Lot 36
Build it Back ID: APP-004749

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1479-A**
PREMISES: **208A SEAGIRT AVENUE, Queens**
Block 15601, Lot 30
Build it Back ID: **APP-005018**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1480-A
PREMISES: 214A BEACH 3 STREET, Queens
Block 15601, Lot 42
Build it Back ID: APP-008878

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1481-A
PREMISES: 214 BEACH 3 STREET, Queens
Block 15601, Lot 42
Build it Back ID: APP-005128

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1482-A
PREMISES: 304A SEAGIRT AVENUE, Queens
Block 15602, Lot 132
Build it Back ID: APP-002952

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1483-A
PREMISES: 302A SEAGIRT AVENUE, Queens
Block 15602, Lot 29
Build it Back ID: APP-003205

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1484-A
PREMISES: 306 SEAGIRT AVENUE, Queens
Block 15602, Lot 33
Build it Back ID: APP-007237

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1485-A
PREMISES: 229 BEACH 3 STREET, Queens
Block 15602, Lot 22
Build it Back ID: APP-019795

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1486-A
PREMISES: 306A SEAGIRT AVENUE, Queens
Block 15602, Lot 33
Build it Back ID: APP-007239

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1487-A
PREMISES: 209 SEAGIRT AVENUE, Queens
Block 15606, Lot 30
Build it Back ID: APP-005730

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1488-A
PREMISES: 142 BEACH 3 STREET, Queens
Block 15606, Lot 20
Build it Back ID: APP-019465

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1489-A
PREMISES: 160 BEACH 3 STREET, Queens
Block 15606, Lot 14
Build it Back ID: APP-021485

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1490-A
PREMISES: 120 BEACH 3 STREET, Queens
Block 15606, Lot 10
Build it Back ID: APP-025189

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 3 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1491-A
PREMISES: 305 SEAGIRT AVENUE, Queens
Block 15607, Lot 6
Build it Back ID: APP-000875

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1492-A
PREMISES: 148 BEACH 4 STREET, Queens
Block 15607, Lot 52
Build it Back ID: APP-003261

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 4 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1493-A
PREMISES: 142 BEACH 4 STREET, Queens
Block 15607, Lot 58
Build it Back ID: APP-003480

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 4 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1494-A
PREMISES: 150 BEACH 4 STREET, Queens
Block 15607, Lot 54
Build it Back ID: APP-011726

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 4 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1495-A
PREMISES: 303 SEAGIRT AVENUE, Queens
Block 15607, Lot 7
Build it Back ID: APP-023267

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1496-A**
PREMISES: **153 BEACH 4 STREET, Queens**
Block 15608, Lot 21
Build it Back ID: **APP-021207**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 4 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1497-A
PREMISES: 171 BEACH 4 STREET, Queens
Block 15608, Lot 6
Build it Back ID: APP-001196

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 4 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1498-A
PREMISES: 238 BEACH 12 STREET, Queens
Block 15618, Lot 38
Build it Back ID: APP-023865

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 12 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1499-A
PREMISES: 246 BEACH 12 STREET, Queens
Block 15618, Lot 41
Build it Back ID: APP-024522

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 12 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1500-A
PREMISES: 245 BEACH 12 STREET, Queens
Block 15619, Lot 16
Build it Back ID: APP-008407

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 12 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1501-A
PREMISES: 253 BEACH 12 STREET, Queens
Block 15619, Lot 12
Build it Back ID: APP-022606

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 12 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1502-A
PREMISES: 259 BEACH 12 STREET, Queens
Block 15619, Lot 10
Build it Back ID: APP-025571

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 12 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1503-A
PREMISES: 13-24 GRANDVIEW TERRACE, Queens
Block 15621, Lot 137
Build it Back ID: APP-000505

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRANDVIEW TERRACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1504-A
PREMISES: 311 BEACH 13 STREET, Queens
Block 15622, Lot 91
Build it Back ID: APP-021754

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 13 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1505-A**
PREMISES: **14-05 NEW HAVEN AVENUE, Queens**
Block 15625, Lot 38
Build it Back ID: **APP-000797**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1506-A
PREMISES: 316 BEACH 15 STREET, Queens
Block 15625, Lot 30
Build it Back ID: APP-018805

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 15 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1507-A
PREMISES: 280 BEACH 15 STREET, Queens
Block 15625, Lot 19
Build it Back ID: APP-013639

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 15 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1508-A**
PREMISES: **218 BEACH 14 STREET, Queens**
Block 15626, Lot 4
Build it Back ID: **APP-005864**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 14 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1509-A
PREMISES: 222 BEACH 14 STREET, Queens
Block 15626, Lot 5
Build it Back ID: APP-012801

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 14 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1510-A**
PREMISES: **217 BEACH 14 STREET, Queens**
Block 15627, Lot 40
Build it Back ID: **APP-015450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 14 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1511-A**
PREMISES: **16-04 CAFFREY AVENUE, Queens**
Block 15628, Lot 44
Build it Back ID: **APP-000882**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAFFREY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1512-A
PREMISES: 301 BEACH 15 STREET, Queens
Block 15629, Lot 76
Build it Back ID: APP-006547

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 15 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1513-A
PREMISES: 15-17 NEW HAVEN AVENUE, Queens
Block 15629, Lot 38
Build it Back ID: APP-003661

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1514-A
PREMISES: 16-15 CAFFREY AVENUE, Queens
Block 15629, Lot 25
Build it Back ID: APP-010606

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAFFREY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1515-A
PREMISES: 15-01 NEW HAVEN AVENUE, Queens
Block 15629, Lot 65
Build it Back ID: APP-022090

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE partially within a R4-1 zoning district and partially within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1516-A
PREMISES: 285 BEACH 15 STREET, Queens
Block 15629, Lot 170
Build it Back ID: APP-011138

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 15 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1517-A
PREMISES: 17-53 BROOKHAVEN AVENUE, Queens
Block 15633, Lot 44
Build it Back ID: APP-011753

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1518-A
PREMISES: 311 BEACH 17 STREET, Queens
Block 15633, Lot 62
Build it Back ID: APP-011804

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 17 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1519-A
PREMISES: 312 BEACH 19 STREET, Queens
Block 15633, Lot 25
Build it Back ID: APP-017547

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 19 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1520-A
PREMISES: 225 BEACH 19 STREET, Queens
Block 15637, Lot 78
Build it Back ID: APP-003705

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 19 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1521-A**
PREMISES: **14-28 PINSON STREET, Queens**
Block 15651, Lot 22
Build it Back ID: **APP-014274**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1522-A**
PREMISES: **14-42 PINSON STREET, Queens**
Block 15651, Lot 31
Build it Back ID: **APP-017856**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET partially within a R3X zoning district and partially within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1523-A
PREMISES: 14-36 PINSON STREET, Queens
Block 15651, Lot 28
Build it Back ID: APP-019530

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1524-A
PREMISES: 22-12 NAMEOKE AVENUE, Queens
Block 15651, Lot 6
Build it Back ID: APP-024026

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE partially within a R3X zoning district and partially within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1525-A
PREMISES: 14-14 CHANDLER STREET, Queens
Block 15652, Lot 15
Build it Back ID: APP-000401

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1526-A
PREMISES: 22-42 NAMEOKE AVENUE, Queens
Block 15652, Lot 7
Build it Back ID: APP-010054

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1527-A
PREMISES: 22-38 NAMEOKE AVENUE, Queens
Block 15652, Lot 5
Build it Back ID: APP-016228

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1528-A
PREMISES: 14-10 CHANDLER STREET, Queens
Block 15652, Lot 13
Build it Back ID: APP-017246

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1529-A
PREMISES: 22-40 NAMEOKE AVENUE, Queens
Block 15652, Lot 6
Build it Back ID: APP-024773

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1530-A**
PREMISES: **14-28 CHANDLER STREET, Queens**
Block 15652, Lot 19
Build it Back ID: **APP-016528**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1531-A
PREMISES: 14-34 CHANDLER STREET, Queens
Block 15652, Lot 23
Build it Back ID: APP-020094

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1532-A
PREMISES: 14-09 PINSON STREET, Queens
Block 15652, Lot 3
Build it Back ID: APP-020204

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1533-A
PREMISES: 14-07 PINSON STREET, Queens
Block 15652, Lot 2
Build it Back ID: APP-020209

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1534-A
PREMISES: 22-62 NAMEOKE AVENUE, Queens
Block 15654, Lot 7
Build it Back ID: APP-022608

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1535-A
PREMISES: 14-31 CHANDLER STREET, Queens
Block 15654, Lot 29
Build it Back ID: APP-023820

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1536-A
PREMISES: 22-63 BATTERY ROAD, Queens
Block 15654, Lot 22
Build it Back ID: APP-012034

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BATTERY ROAD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1537-A
PREMISES: 14-21 CHANDLER STREET, Queens
Block 15654, Lot 33
Build it Back ID: APP-017253

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1538-A
PREMISES: 14-12 MCBRIDE STREET, Queens
Block 15654, Lot 10
Build it Back ID: APP-019861

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1539-A
PREMISES: 14-16 MCBRIDE STREET, Queens
Block 15654, Lot 12
Build it Back ID: APP-020239

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1540-A**
PREMISES: **22-60 NAMEOKE AVENUE, Queens**
Block 15654, Lot 5
Build it Back ID: **APP-022115**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1541-A
PREMISES: 22-55 BATTERY ROAD, Queens
Block 15654, Lot 25
Build it Back ID: APP-023288

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BATTERY ROAD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1542-A
PREMISES: 14-09 CHANDLER STREET, Queens
Block 15654, Lot 38
Build it Back ID: APP-004792

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1543-A
PREMISES: 14-03 CHANDLER STREET, Queens
Block 15654, Lot 1
Build it Back ID: APP-014346

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1544-A
PREMISES: 14-35 MCBRIDE STREET, Queens
Block 15655, Lot 52
Build it Back ID: APP-002958

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1545-A
PREMISES: 14-31 MCBRIDE STREET, Queens
Block 15655, Lot 54
Build it Back ID: APP-016857

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1546-A
PREMISES: 14-15 MCBRIDE STREET, Queens
Block 15655, Lot 60
Build it Back ID: APP-009994

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1547-A
PREMISES: 14-23 MCBRIDE STREET, Queens
Block 15655, Lot 56
Build it Back ID: APP-017056

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1548-A
PREMISES: 14-32 EGGERT PLACE, Queens
Block 15656, Lot 8
Build it Back ID: APP-014789

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1549-A
PREMISES: 14-31 PEARL STREET, Queens
Block 15657, Lot 46
Build it Back ID: APP-001079

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARL STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1550-A
PREMISES: 14-35 EGGERT PLACE, Queens
Block 15657, Lot 31
Build it Back ID: APP-022963

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1551-A
PREMISES: 14-37 EGGERT PLACE, Queens
Block 15657, Lot 30
Build it Back ID: APP-025547

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1552-A**
PREMISES: **14-25 PEARL STREET, Queens**
Block 15657, Lot 42
Build it Back ID: **APP-009055**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARL STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1553-A
PREMISES: 22-23 NAMEOKE AVENUE, Queens
Block 15658, Lot 24
Build it Back ID: APP-018080

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1554-A
PREMISES: 22-20 BIRDSALL AVENUE, Queens
Block 15658, Lot 10
Build it Back ID: APP-016797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BIRDSALL AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1555-A
PREMISES: 13-93 BEACH CHANNEL DRIVE, Queens
Block 15658, Lot 29
Build it Back ID: APP-019244

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH CHANNEL DRIVE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1556-A
PREMISES: 22-17 BIRDSALL AVENUE, Queens
Block 15659, Lot 14
Build it Back ID: APP-016471

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BIRDSALL AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1557-A
PREMISES: 13-50 PINSON STREET, Queens
Block 15659, Lot 6
Build it Back ID: APP-024111

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1558-A
PREMISES: 13-48 PINSON STREET, Queens
Block 15659, Lot 5
Build it Back ID: APP-001351

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1559-A
PREMISES: 13-66 PINSON STREET, Queens
Block 15659, Lot 11
Build it Back ID: APP-003588

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1560-A
PREMISES: 22-35 NAMEOKE AVENUE, Queens
Block 15660, Lot 32
Build it Back ID: APP-005103

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1561-A
PREMISES: 13-83 PINSON STREET, Queens
Block 15660, Lot 40
Build it Back ID: APP-014087

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1562-A
PREMISES: 13-60 CHANDLER STREET, Queens
Block 15660, Lot 10
Build it Back ID: APP-016303

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1563-A
PREMISES: 13-46 CHANDLER STREET, Queens
Block 15660, Lot 3
Build it Back ID: APP-019862

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1564-A
PREMISES: 13-62 CHANDLER STREET, Queens
Block 15660, Lot 11
Build it Back ID: APP-021936

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1565-A
PREMISES: 13-70 CHANDLER STREET, Queens
Block 15660, Lot 14
Build it Back ID: APP-011973

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1566-A
PREMISES: 13-88 CHANDLER STREET, Queens
Block 15660, Lot 24
Build it Back ID: APP-024655

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1567-A
PREMISES: 13-80 CHANDLER STREET, Queens
Block 15660, Lot 20
Build it Back ID: APP-024709

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1568-A
PREMISES: 13-84 CHANDLER STREET, Queens
Block 15660, Lot 22
Build it Back ID: APP-025002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1569-A
PREMISES: 13-59 PINSON STREET, Queens
Block 15660, Lot 59
Build it Back ID: APP-004315

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1570-A
PREMISES: 13-67 PINSON STREET, Queens
Block 15660, Lot 53
Build it Back ID: APP-006551

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1571-A
PREMISES: 13-65 PINSON STREET, Queens
Block 15660, Lot 54
Build it Back ID: APP-008155

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1572-A
PREMISES: 13-63 PINSON STREET, Queens
Block 15660, Lot 56
Build it Back ID: APP-013702

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1573-A**
PREMISES: **13-73 PINSON STREET, Queens**
Block 15660, Lot 50
Build it Back ID: **APP-015045**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1574-A
PREMISES: 13-69 PINSON STREET, Queens
Block 15660, Lot 51
Build it Back ID: APP-021323

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1575-A
PREMISES: 22-62 MOTT AVENUE, Queens
Block 15661, Lot 18
Build it Back ID: APP-010672

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1576-A
PREMISES: 13-16 MC BRIDE STREET, Queens
Block 15661, Lot 26
Build it Back ID: APP-017311

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MC BRIDE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1577-A
PREMISES: 13-57 CHANDLER STREET, Queens
Block 15662, Lot 8
Build it Back ID: APP-012122

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1578-A
PREMISES: 22-57 NAMEOKE AVENUE, Queens
Block 15662, Lot 28
Build it Back ID: APP-017070

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1579-A
PREMISES: 13-82 MCBRIDE STREET, Queens
Block 15662, Lot 20
Build it Back ID: APP-022320

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1580-A**
PREMISES: **13-65 CHANDLER STREET, Queens**
Block 15662, Lot 48
Build it Back ID: **APP-006645**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1581-A**
PREMISES: **13-75 CHANDLER STREET, Queens**
Block 15662, Lot 18
Build it Back ID: **APP-016202**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1582-A**
PREMISES: **13-83 CHANDLER STREET, Queens**
Block 15662, Lot 35
Build it Back ID: **APP-024263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1583-A**
PREMISES: **13-25 MCBRIDE STREET, Queens**
Block 15663, Lot 110
Build it Back ID: **APP-003623**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1584-A
PREMISES: 13-33 MCBRIDE STREET, Queens
Block 15663, Lot 105
Build it Back ID: APP-011019

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1585-A
PREMISES: 13-35 MCBRIDE STREET, Queens
Block 15663, Lot 104
Build it Back ID: APP-017513

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1586-A
PREMISES: 22-73 NAMEOKE AVENUE, Queens
Block 15663, Lot 72
Build it Back ID: APP-018907

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAMEOKE AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1587-A
PREMISES: 13-51 MCBRIDE STREET, Queens
Block 15663, Lot 92
Build it Back ID: APP-024559

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1588-A
PREMISES: 13-63 MCBRIDE STREET, Queens
Block 15663, Lot 88
Build it Back ID: APP-025583

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1589-A
PREMISES: 13-67 MCBRIDE STREET, Queens
Block 15663, Lot 86
Build it Back ID: APP-002588

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1590-A
PREMISES: 13-23A MCBRIDE STREET, Queens
Block 15663, Lot 211
Build it Back ID: APP-003629

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1591-A
PREMISES: 13-83 MCBRIDE STREET, Queens
Block 15663, Lot 76
Build it Back ID: APP-004759

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1592-A
PREMISES: 13-47 MCBRIDE STREET, Queens
Block 15663, Lot 95
Build it Back ID: APP-014139

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1593-A**
PREMISES: **22-78 MOTT AVENUE, Queens**
Block 15663, Lot 4
Build it Back ID: **APP-024087**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE partially within a R5 zoning district and partially within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1594-A
PREMISES: 13-23 MCBRIDE STREET, Queens
Block 15663, Lot 111
Build it Back ID: APP-013089

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1595-A
PREMISES: 13-83 1/2 MCBRIDE STREET, Queens
Block 15663, Lot 76
Build it Back ID: APP-004761

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1596-A
PREMISES: 13-81 MCBRIDE STREET, Queens
Block 15663, Lot 78
Build it Back ID: APP-024485

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1597-A
PREMISES: 13-28 EGGERT PLACE, Queens
Block 15664, Lot 23
Build it Back ID: APP-001691

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1598-A
PREMISES: 13-70 EGGERT PLACE, Queens
Block 15664, Lot 47
Build it Back ID: APP-004810

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1599-A
PREMISES: 13-97 GIPSON STREET, Queens
Block 15664, Lot 84
Build it Back ID: APP-007758

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GIPSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1600-A
PREMISES: 14-07 GIPSON STREET, Queens
Block 15664, Lot 78
Build it Back ID: APP-012932

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GIPSON STREET partially within a R4-1 zoning district and partially within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1601-A
PREMISES: 13-37 GIPSON STREET, Queens
Block 15664, Lot 116
Build it Back ID: APP-016994

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GIPSON STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1602-A
PREMISES: 13-88 EGGERT PLACE, Queens
Block 15664, Lot 58
Build it Back ID: APP-018232

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1603-A
PREMISES: 14-09 GIPSON STREET, Queens
Block 15664, Lot 77
Build it Back ID: APP-020645

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GIPSON STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1604-A
PREMISES: 23-01 ENRIGHT ROAD, Queens
Block 15665, Lot 82
Build it Back ID: APP-015981

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ENRIGHT ROAD within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1605-A
PREMISES: 1376 DICKENS STREET, Queens
Block 15665, Lot 51
Build it Back ID: APP-019544

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1606-A
PREMISES: 1404 DICKENS STREET, Queens
Block 15665, Lot 64
Build it Back ID: APP-006474

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1607-A
PREMISES: 1398 DICKENS STREET, Queens
Block 15665, Lot 62
Build it Back ID: APP-008969

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1608-A
PREMISES: 1396 DICKENS STREET, Queens
Block 15665, Lot 61
Build it Back ID: APP-009249

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1609-A
PREMISES: 1354 DICKENS STREET, Queens
Block 15665, Lot 40
Build it Back ID: APP-015591

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET partially within a R5 zoning district and partially within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1610-A
PREMISES: 1352 DICKENS STREET, Queens
Block 15665, Lot 38
Build it Back ID: APP-020128

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1611-A
PREMISES: 13-95 EGGERT PLACE, Queens
Block 15665, Lot 91
Build it Back ID: APP-024964

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EGGERT PLACE within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1612-A
PREMISES: 1410 DICKENS STREET, Queens
Block 15665, Lot 66
Build it Back ID: APP-018035

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1613-A
PREMISES: 1414 DICKENS STREET, Queens
Block 15665, Lot 68
Build it Back ID: APP-019896

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1614-A
PREMISES: 13-50 BAY 24 STREET, Queens
Block 15670, Lot 35
Build it Back ID: APP-004954

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 24 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1615-A
PREMISES: 13-60 BAY 24 STREET, Queens
Block 15670, Lot 37
Build it Back ID: APP-007380

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 24 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1616-A
PREMISES: 13-70 SUNNYSIDE STREET, Queens
Block 15670, Lot 180
Build it Back ID: APP-007407

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNNYSIDE STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1617-A
PREMISES: 25-08 MOTT AVENUE, Queens
Block 15670, Lot 174
Build it Back ID: APP-025559

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1618-A
PREMISES: 23-96 MOTT AVENUE, Queens
Block 15670, Lot 23
Build it Back ID: APP-011306

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1619-A
PREMISES: 13-76 SUNNYSIDE STREET, Queens
Block 15670, Lot 181
Build it Back ID: APP-012139

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNNYSIDE STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1620-A
PREMISES: 23-94 MOTT AVENUE, Queens
Block 15670, Lot 22
Build it Back ID: APP-016287

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1621-A
PREMISES: 1363 DICKENS STREET, Queens
Block 15670, Lot 100
Build it Back ID: APP-018101

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1622-A
PREMISES: 23-60 MOTT AVENUE, Queens
Block 15670, Lot 1
Build it Back ID: APP-018557

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1623-A
PREMISES: 1351 DICKENS STREET, Queens
Block 15670, Lot 105
Build it Back ID: APP-024103

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1624-A
PREMISES: 25-02 MOTT AVENUE, Queens
Block 15670, Lot 171
Build it Back ID: APP-025767

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1625-A
PREMISES: 25-22 MOTT AVENUE, Queens
Block 15670, Lot 179
Build it Back ID: APP-018256

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1626-A
PREMISES: 13-75 SUNNYSIDE AVENUE, Queens
Block 15681, Lot 72
Build it Back ID: APP-017060

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNNYSIDE AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1627-A
PREMISES: 13-83 SUNNYSIDE STREET, Queens
Block 15681, Lot 68
Build it Back ID: APP-017096

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNNYSIDE STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1628-A
PREMISES: 25-54 MOTT AVENUE, Queens
Block 15681, Lot 11
Build it Back ID: APP-025556

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1629-A
PREMISES: 13-87 SUNNYSIDE STREET, Queens
Block 15681, Lot 64
Build it Back ID: APP-025595

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNNYSIDE STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1630-A
PREMISES: 28-18 MOTT AVENUE, Queens
Block 15682, Lot 7
Build it Back ID: APP-010509

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1631-A
PREMISES: 28-57 FABER TERRACE, Queens
Block 15683, Lot 35
Build it Back ID: APP-003016

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FABER TERRACE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1632-A
PREMISES: 28-65 FABER TERRACE, Queens
Block 15683, Lot 30
Build it Back ID: APP-019914

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FABER TERRACE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1633-A
PREMISES: 1491 GRANADA PLACE, Queens
Block 15683, Lot 45
Build it Back ID: APP-022821

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRANADA PLACE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1634-A**
PREMISES: **29-40 MOTT AVENUE, Queens**
Block 15684, Lot 16
Build it Back ID: **APP-025610**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1635-A
PREMISES: 29-54 MOTT AVENUE, Queens
Block 15684, Lot 21
Build it Back ID: APP-022301

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1636-A
PREMISES: 14-78 POINT BREEZE PLACE, Queens
Block 15689, Lot 25
Build it Back ID: APP-002670

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POINT BREEZE PLACE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1637-A
PREMISES: 32-04 MOTT AVENUE, Queens
Block 15689, Lot 1
Build it Back ID: APP-021387

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1638-A
PREMISES: 32-12 MOTT AVENUE, Queens
Block 15689, Lot 5
Build it Back ID: APP-021785

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1639-A
PREMISES: 14-90 POINT BREEZE PLACE, Queens
Block 15689, Lot 29
Build it Back ID: APP-003059

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POINT BREEZE PLACE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1640-A
PREMISES: 32-26 MOTT AVENUE, Queens
Block 15689, Lot 13
Build it Back ID: APP-007785

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1641-A
PREMISES: 33-36 MOTT AVENUE, Queens
Block 15690, Lot 14
Build it Back ID: APP-011291

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1642-A
PREMISES: 33-08 MOTT AVENUE, Queens
Block 15690, Lot 3
Build it Back ID: APP-013784

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1643-A
PREMISES: 33-46 MOTT AVENUE, Queens
Block 15690, Lot 19
Build it Back ID: APP-015483

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1644-A
PREMISES: 33-30 MOTT AVENUE, Queens
Block 15690, Lot 12
Build it Back ID: APP-020188

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1645-A
PREMISES: 24-07 MOTT AVENUE, Queens
Block 15691, Lot 33
Build it Back ID: APP-000180

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1646-A
PREMISES: 23-91 MOTT AVENUE, Queens
Block 15691, Lot 41
Build it Back ID: APP-016672

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1647-A
PREMISES: 23-99 MOTT AVENUE, Queens
Block 15691, Lot 38
Build it Back ID: APP-021169

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1648-A
PREMISES: 24-01 MOTT AVENUE, Queens
Block 15691, Lot 35
Build it Back ID: APP-023095

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1649-A
PREMISES: 24-21 MOTT AVENUE, Queens
Block 15691, Lot 24
Build it Back ID: APP-009508

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1650-A**
PREMISES: **29-29 MOTT AVENUE, Queens**
Block 15695, Lot 22
Build it Back ID: **APP-014048**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1651-A
PREMISES: 29-12 BAYSWATER AVENUE, Queens
Block 15696, Lot 1
Build it Back ID: APP-013921

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYSWATER AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1652-A
PREMISES: 29-18 BAYSWATER AVENUE, Queens
Block 15697, Lot 71
Build it Back ID: APP-000655

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYSWATER AVENUE partially within a R2 zoning district and partially within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1653-A
PREMISES: 29-05 BAILEY COURT, Queens
Block 15697, Lot 66
Build it Back ID: APP-008260

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAILEY COURT partially within a R1-2 zoning district and partially within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1654-A
PREMISES: 31-28 WESTBOURNE AVENUE, Queens
Block 15699, Lot 47
Build it Back ID: APP-021517

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WESTBOURNE AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1655-A
PREMISES: 33-49 MOTT AVENUE, Queens
Block 15703, Lot 50
Build it Back ID: APP-020005

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1656-A
PREMISES: 33-37 MOTT AVENUE, Queens
Block 15703, Lot 56
Build it Back ID: APP-020086

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1657-A
PREMISES: 33-33 MOTT AVENUE, Queens
Block 15703, Lot 58
Build it Back ID: APP-022193

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1658-A
PREMISES: 22-02 LORETTA ROAD, Queens
Block 15709, Lot 1
Build it Back ID: APP-005192

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LORETTA ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1659-A
PREMISES: 22-67 MOTT AVENUE, Queens
Block 15711, Lot 32
Build it Back ID: APP-016818

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1660-A
PREMISES: 1137 GRASSMERE TERRACE, Queens
Block 15711, Lot 50
Build it Back ID: APP-021969

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1661-A
PREMISES: 22-59 MOTT AVENUE, Queens
Block 15711, Lot 37
Build it Back ID: APP-003199

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1662-A
PREMISES: 22-63 MOTT AVENUE, Queens
Block 15711, Lot 35
Build it Back ID: APP-024123

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1663-A
PREMISES: 22-15 REGINA AVENUE, Queens
Block 15712, Lot 55
Build it Back ID: APP-021373

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on REGINA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1664-A
PREMISES: 10-36 MCBRIDE STREET, Queens
Block 15713, Lot 18
Build it Back ID: APP-004036

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1665-A
PREMISES: 10-44 MCBRIDE STREET, Queens
Block 15713, Lot 25
Build it Back ID: APP-018242

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1666-A
PREMISES: 10-73 MCBRIDE STREET, Queens
Block 15714, Lot 114
Build it Back ID: APP-007884

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1667-A
PREMISES: 11-01 MCBRIDE STREET, Queens
Block 15714, Lot 112
Build it Back ID: APP-017291

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1668-A
PREMISES: 10-31 MCBRIDE STREET, Queens
Block 15714, Lot 135
Build it Back ID: APP-007894

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1669-A
PREMISES: 11-23 MCBRIDE STREET, Queens
Block 15714, Lot 103
Build it Back ID: APP-013604

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCBRIDE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1670-A
PREMISES: 11-31 MC BRIDE STREET, Queens
Block 15714, Lot 96
Build it Back ID: APP-022400

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MC BRIDE STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1671-A
PREMISES: 23-37 MOTT AVENUE, Queens
Block 15716, Lot 33
Build it Back ID: APP-017701

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOTT AVENUE partially within a R5 zoning district and partially within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1672-A
PREMISES: 2502 HEALY AVENUE, Queens
Block 15720, Lot 91
Build it Back ID: APP-007870

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEALY AVENUE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1673-A
PREMISES: 25-11 BAYSWATER AVENUE, Queens
Block 15720, Lot 56
Build it Back ID: APP-009361

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYSWATER AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1674-A
PREMISES: 1123 BAY 25 STREET, Queens
Block 15720, Lot 83
Build it Back ID: APP-021825

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 25 STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1675-A
PREMISES: 12-01 BAY 27 STREET, Queens
Block 15721, Lot 38
Build it Back ID: APP-022667

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 27 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1676-A
PREMISES: 29-30 COLD SPRING ROAD, Queens
Block 15723, Lot 54
Build it Back ID: APP-020830

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLD SPRING ROAD within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1677-A
PREMISES: 1433 Pearl Street, Queens
Block 15723, Lot 30
Build it Back ID: APP-005544

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Pearl Street within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1678-A**
PREMISES: **12-37 BAY PARK PLACE, Queens**
Block 15723, Lot 26
Build it Back ID: **APP-023613**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY PARK PLACE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1679-A
PREMISES: 31-04 COLD SPRING ROAD, Queens
Block 15724, Lot 35
Build it Back ID: APP-017720

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLD SPRING ROAD within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1680-A
PREMISES: 11-52 NORTON DRIVE, Queens
Block 15726, Lot 11
Build it Back ID: APP-019168

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1681-A
PREMISES: 23-92 CORNAGA AVENUE, Queens
Block 15731, Lot 63
Build it Back ID: APP-007734

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CORNAGA AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1682-A
PREMISES: 1005 DICKENS STREET, Queens
Block 15731, Lot 59
Build it Back ID: APP-015508

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1683-A
PREMISES: 24-22 CORNAGA AVENUE, Queens
Block 15732, Lot 59
Build it Back ID: APP-019927

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CORNAGA AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1684-A
PREMISES: 1015 BAY 25 STREET, Queens
Block 15735, Lot 36
Build it Back ID: APP-008530

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 25 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1685-A
PREMISES: 1009 BAY 25 STREET, Queens
Block 15735, Lot 32
Build it Back ID: APP-014169

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY 25 STREET within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1686-A
PREMISES: 650 NASBY PLACE, Queens
Block 15753, Lot 67
Build it Back ID: APP-013797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NASBY PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1687-A
PREMISES: 667 NASBY PLACE, Queens
Block 15754, Lot 32
Build it Back ID: APP-019713

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NASBY PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1688-A
PREMISES: 655 NASBY PLACE, Queens
Block 15754, Lot 37
Build it Back ID: APP-017851

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NASBY PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1689-A
PREMISES: 2385 DICKENS STREET, Queens
Block 15756, Lot 5
Build it Back ID: APP-002550

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DICKENS STREET partially within a R2 zoning district and partially within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1690-A
PREMISES: 22-51 NEW HAVEN AVENUE, Queens
Block 15762, Lot 50
Build it Back ID: APP-010732

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW HAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1691-A
PREMISES: 23-88 BROOKHAVEN AVENUE, Queens
Block 15763, Lot 74
Build it Back ID: APP-003084

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1692-A
PREMISES: 23-64 BROOKHAVEN AVENUE, Queens
Block 15763, Lot 15
Build it Back ID: APP-017364

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1693-A
PREMISES: 23-21 OCEANCREST BOULEVARD, Queens
Block 15763, Lot 36
Build it Back ID: APP-019581

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANCREST BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1694-A
PREMISES: 565 GRASSMERE TERRACE, Queens
Block 15766, Lot 43
Build it Back ID: APP-000121

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1695-A
PREMISES: 505 GRASSMERE TERRACE, Queens
Block 15766, Lot 49
Build it Back ID: APP-019173

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1696-A
PREMISES: 22-29 BROOKHAVEN AVENUE, Queens
Block 15771, Lot 34
Build it Back ID: APP-004129

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1697-A
PREMISES: 22-32 COLLIER AVENUE, Queens
Block 15771, Lot 1
Build it Back ID: APP-011086

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1698-A
PREMISES: 22-20 COLLIER AVENUE, Queens
Block 15771, Lot 81
Build it Back ID: APP-013621

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1699-A
PREMISES: 526 GRASSMERE TERRACE, Queens
Block 15772, Lot 8
Build it Back ID: APP-008361

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1700-A
PREMISES: 530 GRASSMERE TERRACE, Queens
Block 15772, Lot 10
Build it Back ID: APP-013867

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1701-A
PREMISES: 5-35 HANSON COURT, Queens
Block 15772, Lot 15
Build it Back ID: APP-020420

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HANSON COURT within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1702-A
PREMISES: 24-80 COLLIER AVENUE, Queens
Block 15772, Lot 106
Build it Back ID: APP-021520

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1703-A
PREMISES: 520 GRASSMERE TERRACE, Queens
Block 15772, Lot 2
Build it Back ID: APP-017880

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRASSMERE TERRACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1704-A
PREMISES: 502 HANSON COURT, Queens
Block 15772, Lot 105
Build it Back ID: APP-024765

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HANSON COURT within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1705-A
PREMISES: 2217 COLLIER AVENUE, Queens
Block 15773, Lot 48
Build it Back ID: APP-017292

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1706-A
PREMISES: 22-12 DEERFIELD ROAD, Queens
Block 15773, Lot 69
Build it Back ID: APP-003694

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1707-A
PREMISES: 22-20 DEERFIELD ROAD, Queens
Block 15773, Lot 30
Build it Back ID: APP-007155

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1708-A**
PREMISES: **22-15 COLLIER AVENUE, Queens**
Block 15773, Lot 50
Build it Back ID: **APP-008560**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1709-A
PREMISES: 22-41 COLLIER AVENUE, Queens
Block 15773, Lot 35
Build it Back ID: APP-018389

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1710-A
PREMISES: 22-21 COLLIER AVENUE, Queens
Block 15773, Lot 46
Build it Back ID: APP-022480

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1711-A
PREMISES: 420 BEACH 25 STREET, Queens
Block 15774, Lot 58
Build it Back ID: APP-004185

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1712-A
PREMISES: 416 BEACH 25 STREET, Queens
Block 15774, Lot 58
Build it Back ID: APP-013347

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1713-A
PREMISES: 24-14 DEERFIELD ROAD, Queens
Block 15774, Lot 95
Build it Back ID: APP-016427

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1714-A
PREMISES: 24-04 DEERFIELD ROAD, Queens
Block 15774, Lot 89
Build it Back ID: APP-022531

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1715-A
PREMISES: 24-83 COLLIER AVENUE, Queens
Block 15774, Lot 65
Build it Back ID: APP-022875

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1716-A
PREMISES: 409 BRIAR PLACE, Queens
Block 15774, Lot 87
Build it Back ID: APP-023301

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIAR PLACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1717-A
PREMISES: 24-73 COLLIER AVENUE, Queens
Block 15774, Lot 76
Build it Back ID: APP-019758

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1718-A
PREMISES: 24-79 COLLIER AVENUE, Queens
Block 15774, Lot 72
Build it Back ID: APP-020629

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1719-A
PREMISES: 432 BEACH 25 STREET, Queens
Block 15774, Lot 64
Build it Back ID: APP-024567

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1720-A
PREMISES: 408 BEACH 25 STREET, Queens
Block 15774, Lot 53
Build it Back ID: APP-010686

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1721-A
PREMISES: 384 BRIAR PLACE, Queens
Block 15775, Lot 3
Build it Back ID: APP-025470

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRIAR PLACE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1722-A
PREMISES: 394 BEACH 25 STREET, Queens
Block 15776, Lot 6
Build it Back ID: APP-009064

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1723-A
PREMISES: 24-09 DEERFIELD ROAD, Queens
Block 15776, Lot 17
Build it Back ID: APP-009583

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1724-A
PREMISES: 23-16 CAMP ROAD, Queens
Block 15776, Lot 29
Build it Back ID: APP-000775

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1725-A
PREMISES: 386 BEACH 25 STREET, Queens
Block 15776, Lot 3
Build it Back ID: APP-001701

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1726-A
PREMISES: 23-28 CAMP ROAD, Queens
Block 15776, Lot 35
Build it Back ID: APP-002124

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1727-A**
PREMISES: **24-01 DEERFIELD ROAD, Queens**
Block 15776, Lot 23
Build it Back ID: **APP-011141**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1728-A
PREMISES: 390 BEACH 25 STREET, Queens
Block 15776, Lot 5
Build it Back ID: APP-011717

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1729-A
PREMISES: 23-10 CAMP ROAD, Queens
Block 15776, Lot 26
Build it Back ID: APP-014414

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1730-A
PREMISES: 23-24 CAMP ROAD, Queens
Block 15776, Lot 33
Build it Back ID: APP-023383

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1731-A
PREMISES: 24-05 DEERFIELD ROAD, Queens
Block 15776, Lot 21
Build it Back ID: APP-016033

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1732-A
PREMISES: 257 FERNSIDE PLACE, Queens
Block 15782, Lot 42
Build it Back ID: APP-014565

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FERNSIDE PLACE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1733-A
PREMISES: 8 HIGHLAND COURT, Queens
Block 15783, Lot 68
Build it Back ID: APP-022364

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HIGHLAND COURT within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1734-A
PREMISES: 7 HIGHLAND COURT, Queens
Block 15784, Lot 25
Build it Back ID: APP-022699

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HIGHLAND COURT within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1735-A
PREMISES: 25-24 FAR ROCKAWAY BOULEVARD, Queens
Block 15785, Lot 42
Build it Back ID: APP-015998

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAR ROCKAWAY BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1736-A
PREMISES: 29-45 FAR ROCKAWAY BOULEVARD, Queens
Block 15788, Lot 18
Build it Back ID: APP-004770

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAR ROCKAWAY BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1737-A
PREMISES: 29-55 FAR ROCKAWAY BOULEVARD, Queens
Block 15788, Lot 16
Build it Back ID: APP-006489

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAR ROCKAWAY BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1738-A**
PREMISES: **29-41 FAR ROCKAWAY BOULEVARD, Queens**
Block 15788, Lot 22
Build it Back ID: **APP-017923**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAR ROCKAWAY BOULEVARD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1739-A
PREMISES: 525 BEACH 25 STREET, Queens
Block 15789, Lot 28
Build it Back ID: APP-012072

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1740-A
PREMISES: 521 BEACH 25 STREET, Queens
Block 15789, Lot 30
Build it Back ID: APP-012205

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1741-A
PREMISES: 533 BEACH 25 STREET, Queens
Block 15789, Lot 24
Build it Back ID: APP-009322

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1742-A
PREMISES: 522 BEACH 28 STREET, Queens
Block 15789, Lot 10
Build it Back ID: APP-020816

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 28 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1743-A
PREMISES: 529 BEACH 25 STREET, Queens
Block 15789, Lot 27
Build it Back ID: APP-022385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1744-A
PREMISES: 25-06 COLLIER AVENUE, Queens
Block 15789, Lot 34
Build it Back ID: APP-022595

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1745-A
PREMISES: 25-17 BROOKHAVEN AVENUE, Queens
Block 15789, Lot 12
Build it Back ID: APP-010404

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1746-A
PREMISES: 25-10 DEERFIELD ROAD, Queens
Block 15790, Lot 13
Build it Back ID: APP-008097

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEERFIELD ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1747-A
PREMISES: 411 BEACH 25 STREET, Queens
Block 15790, Lot 11
Build it Back ID: APP-009367

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1748-A
PREMISES: 27-07 COLLIER AVENUE, Queens
Block 15791, Lot 6
Build it Back ID: APP-008057

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1749-A
PREMISES: 27-09 COLLIER AVENUE, Queens
Block 15791, Lot 5
Build it Back ID: APP-016012

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLLIER AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1750-A
PREMISES: 28-05 BROOKHAVEN AVENUE, Queens
Block 15793, Lot 6
Build it Back ID: APP-003361

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1751-A
PREMISES: 29-15 BROOKHAVEN AVENUE, Queens
Block 15794, Lot 9
Build it Back ID: APP-006385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BROOKHAVEN AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1752-A
PREMISES: 305 BEACH 25 STREET, Queens
Block 15800, Lot 12
Build it Back ID: APP-011724

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1753-A
PREMISES: 309 BEACH 25 STREET, Queens
Block 15800, Lot 11
Build it Back ID: APP-018856

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1754-A
PREMISES: 25-18 CAMP ROAD, Queens
Block 15800, Lot 18
Build it Back ID: APP-024784

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1755-A
PREMISES: 25-26 CAMP ROAD, Queens
Block 15800, Lot 23
Build it Back ID: APP-002103

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMP ROAD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1756-A
PREMISES: 210 BEACH 26 STREET, Queens
Block 15801, Lot 4
Build it Back ID: APP-003125

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 26 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1757-A
PREMISES: 2516 SEAGIRT AVENUE, Queens
Block 15801, Lot 32
Build it Back ID: APP-010749

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1758-A
PREMISES: 2514 SEAGIRT AVENUE, Queens
Block 15801, Lot 30
Build it Back ID: APP-018576

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1759-A
PREMISES: 2518 SEAGIRT AVENUE, Queens
Block 15801, Lot 34
Build it Back ID: APP-019738

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1760-A
PREMISES: 26-03 SEAGIRT BOULEVARD, Queens
Block 15802, Lot 7
Build it Back ID: APP-001916

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT BOULEVARD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1761-A
PREMISES: 212 BEACH 27 STREET, Queens
Block 15802, Lot 12
Build it Back ID: APP-011296

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1762-A
PREMISES: 2814 SEAGIRT AVENUE, Queens
Block 15804, Lot 25
Build it Back ID: APP-007887

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1763-A
PREMISES: 2812 SEAGIRT AVENUE, Queens
Block 15804, Lot 23
Build it Back ID: APP-019405

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1764-A
PREMISES: 202 BEACH 30 STREET, Queens
Block 15805, Lot 25
Build it Back ID: APP-023385

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 30 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1765-A
PREMISES: 3022 SEAGIRT AVENUE, Queens
Block 15806, Lot 126
Build it Back ID: APP-016841

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1766-A
PREMISES: 3010 SEAGIRT AVENUE, Queens
Block 15806, Lot 24
Build it Back ID: APP-021441

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1767-A
PREMISES: 3012 SEAGIRT AVENUE, Queens
Block 15806, Lot 124
Build it Back ID: APP-025327

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1768-A
PREMISES: 3110 SEAGIRT AVENUE, Queens
Block 15807, Lot 31
Build it Back ID: APP-007220

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1769-A
PREMISES: 3105 SEAGIRT AVENUE, Queens
Block 15808, Lot 8
Build it Back ID: APP-004638

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1770-A
PREMISES: 3021 SEAGIRT AVENUE, Queens
Block 15808, Lot 110
Build it Back ID: APP-004648

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1771-A
PREMISES: 3109 SEAGIRT AVENUE, Queens
Block 15808, Lot 5
Build it Back ID: APP-013072

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1772-A
PREMISES: 3113 SEAGIRT AVENUE, Queens
Block 15808, Lot 3
Build it Back ID: APP-021413

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1773-A
PREMISES: 3117 SEAGIRT AVENUE, Queens
Block 15808, Lot 1
Build it Back ID: APP-024904

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1774-A
PREMISES: 3011 SEAGIRT AVENUE, Queens
Block 15808, Lot 16
Build it Back ID: APP-002754

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1775-A
PREMISES: 30-08 LEWMAY ROAD, Queens
Block 15808, Lot 56
Build it Back ID: APP-003798

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1776-A
PREMISES: 29-20 LEWMAY ROAD, Queens
Block 15808, Lot 49
Build it Back ID: APP-012868

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1777-A
PREMISES: 30-10 LEWMAY ROAD, Queens
Block 15808, Lot 157
Build it Back ID: APP-017956

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1778-A
PREMISES: 29-22 LEWMAY ROAD, Queens
Block 15808, Lot 50
Build it Back ID: APP-023622

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1779-A**
PREMISES: **29-24 LEWMAY ROAD, Queens**
Block 15808, Lot 51
Build it Back ID: **APP-023623**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1780-A
PREMISES: 30-02 LEWMAY ROAD, Queens
Block 15808, Lot 52
Build it Back ID: APP-023624

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1781-A**
PREMISES: **30-06 LEWMAY ROAD, Queens**
Block 15808, Lot 55
Build it Back ID: **APP-024081**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1782-A
PREMISES: 2919 SEAGIRT AVENUE, Queens
Block 15808, Lot 123
Build it Back ID: APP-024082

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1783-A
PREMISES: 3005 SEAGIRT AVENUE, Queens
Block 15808, Lot 20
Build it Back ID: APP-024083

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAGIRT AVENUE within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1784-A
PREMISES: 197 BEACH 25 STREET, Queens
Block 15817, Lot 59
Build it Back ID: APP-001104

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 25 STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1785-A
PREMISES: 180 BEACH 26 STREET, Queens
Block 15817, Lot 46
Build it Back ID: APP-010750

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 26 STREET within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1786-A
PREMISES: 128 BEACH 26 STREET, Queens
Block 15817, Lot 16
Build it Back ID: APP-008168

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 26 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1787-A
PREMISES: 186 BEACH 27 STREET, Queens
Block 15818, Lot 29
Build it Back ID: APP-002206

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1788-A
PREMISES: 154 BEACH 27 STREET, Queens
Block 15818, Lot 11
Build it Back ID: APP-003473

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1789-A
PREMISES: 196 BEACH 27 STREET, Queens
Block 15818, Lot 35
Build it Back ID: APP-011564

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1790-A
PREMISES: 162 BEACH 27 STREET, Queens
Block 15818, Lot 17
Build it Back ID: APP-016897

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1791-A
PREMISES: 188 BEACH 27 STREET, Queens
Block 15818, Lot 30
Build it Back ID: APP-017353

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1792-A
PREMISES: 166 BEACH 27 STREET, Queens
Block 15818, Lot 20
Build it Back ID: APP-022749

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1793-A
PREMISES: 160 BEACH 27 STREET, Queens
Block 15818, Lot 15
Build it Back ID: APP-023133

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1794-A
PREMISES: 170 BEACH 27 STREET, Queens
Block 15818, Lot 21
Build it Back ID: APP-003904

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1795-A
PREMISES: 124 BEACH 27 STREET, Queens
Block 15818, Lot 90
Build it Back ID: APP-011255

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1796-A
PREMISES: 138 BEACH 27 STREET, Queens
Block 15818, Lot 1
Build it Back ID: APP-013542

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1797-A
PREMISES: 190 BEACH 27 STREET, Queens
Block 15818, Lot 31
Build it Back ID: APP-017355

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1798-A
PREMISES: 192 BEACH 27 STREET, Queens
Block 15818, Lot 32
Build it Back ID: APP-017356

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1799-A
PREMISES: 194 BEACH 27 STREET, Queens
Block 15818, Lot 34
Build it Back ID: APP-017357

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1800-A
PREMISES: 164 BEACH 27 STREET, Queens
Block 15818, Lot 19
Build it Back ID: APP-023256

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1801-A
PREMISES: 176 BEACH 27 STREET, Queens
Block 15818, Lot 25
Build it Back ID: APP-002772

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1802-A
PREMISES: 191 BEACH 27 STREET, Queens
Block 15819, Lot 40
Build it Back ID: APP-001550

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1803-A
PREMISES: 153 BEACH 27 STREET, Queens
Block 15819, Lot 259
Build it Back ID: APP-017350

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1804-A
PREMISES: 155 BEACH 27 STREET, Queens
Block 15819, Lot 158
Build it Back ID: APP-017351

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1805-A
PREMISES: 155A BEACH 27 STREET, Queens
Block 15819, Lot 58
Build it Back ID: APP-017352

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1806-A
PREMISES: 173 BEACH 27 STREET, Queens
Block 15819, Lot 50
Build it Back ID: APP-025457

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 27 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1807-A
PREMISES: 164 BEACH 30 STREET, Queens
Block 15821, Lot 21
Build it Back ID: APP-007218

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 30 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1808-A
PREMISES: 168 BEACH 30 STREET, Queens
Block 15821, Lot 23
Build it Back ID: APP-014345

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 30 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1809-A
PREMISES: 166 BEACH 30 STREET, Queens
Block 15821, Lot 22
Build it Back ID: APP-018336

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 30 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1810-A
PREMISES: 170 BEACH 30 STREET, Queens
Block 15821, Lot 24
Build it Back ID: APP-024333

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 30 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1811-A
PREMISES: 30-19 LEWMAY ROAD, Queens
Block 15822, Lot 30
Build it Back ID: APP-008392

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LEWMAY ROAD within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1812-A
PREMISES: 128 BEACH 31 STREET, Queens
Block 15822, Lot 22
Build it Back ID: APP-008639

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 31 STREET within a R5 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1813-A
PREMISES: 332 BEACH 37 STREET, Queens
Block 15826, Lot 11
Build it Back ID: APP-000208

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 37 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1814-A
PREMISES: 320 BEACH 37 STREET, Queens
Block 15826, Lot 5
Build it Back ID: APP-005746

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 37 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1815-A
PREMISES: 312 BEACH 37 STREET, Queens
Block 15826, Lot 1
Build it Back ID: APP-019386

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 37 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1816-A
PREMISES: 324 BEACH 37 STREET, Queens
Block 15826, Lot 6
Build it Back ID: APP-020159

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 37 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1817-A
PREMISES: 326 BEACH 37 STREET, Queens
Block 15826, Lot 8
Build it Back ID: APP-024695

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 37 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1818-A
PREMISES: 323 BEACH 38 STREET, Queens
Block 15828, Lot 42
Build it Back ID: APP-006967

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 38 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1819-A
PREMISES: 333 BEACH 38 STREET, Queens
Block 15828, Lot 37
Build it Back ID: APP-018436

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 38 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1820-A
PREMISES: 309 BEACH 38 STREET, Queens
Block 15828, Lot 51
Build it Back ID: APP-024620

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 38 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1821-A
PREMISES: 41-15 BEACH CHANNEL DRIVE, Queens
Block 15831, Lot 31
Build it Back ID: APP-004160

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH CHANNEL DRIVE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1822-A
PREMISES: 41-11 BEACH CHANNEL DRIVE, Queens
Block 15831, Lot 131
Build it Back ID: APP-007092

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH CHANNEL DRIVE within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1823-A
PREMISES: 326 BEACH 42 STREET, Queens
Block 15831, Lot 18
Build it Back ID: APP-010537

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1824-A
PREMISES: 344 BEACH 42 STREET, Queens
Block 15831, Lot 27
Build it Back ID: APP-013323

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1825-A
PREMISES: 336 BEACH 42 STREET, Queens
Block 15831, Lot 121
Build it Back ID: APP-000220

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1826-A
PREMISES: 330 BEACH 42 STREET, Queens
Block 15831, Lot 19
Build it Back ID: APP-000528

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1827-A
PREMISES: 332 BEACH 42 STREET, Queens
Block 15831, Lot 21
Build it Back ID: APP-016592

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1828-A
PREMISES: 222 BEACH 40 STREET, Queens
Block 15848, Lot 48
Build it Back ID: APP-000198

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 40 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1829-A
PREMISES: 40-01 ROCKAWAY BEACH BOULEVARD, Queens
Block 15849, Lot 22
Build it Back ID: APP-007060

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1830-A
PREMISES: 40-03 ROCKAWAY BEACH BOULEVARD, Queens
Block 15849, Lot 21
Build it Back ID: APP-009432

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1831-A
PREMISES: 204 BEACH 42 STREET, Queens
Block 15850, Lot 28
Build it Back ID: APP-010201

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1832-A
PREMISES: 208 BEACH 42 STREET, Queens
Block 15850, Lot 31
Build it Back ID: APP-025381

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 42 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1833-A
PREMISES: 41-11 ROCKAWAY BEACH BOULEVARD, Queens
Block 15850, Lot 4
Build it Back ID: APP-020381

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1834-A
PREMISES: 180 BEACH 60 STREET, Queens
Block 15902, Lot 13
Build it Back ID: APP-000578

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1835-A
PREMISES: 184 BEACH 60 STREET, Queens
Block 15902, Lot 14
Build it Back ID: APP-021840

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1836-A
PREMISES: 176 BEACH 60 STREET, Queens
Block 15902, Lot 10
Build it Back ID: APP-023042

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1837-A
PREMISES: 182 BEACH 60 STREET, Queens
Block 15902, Lot 113
Build it Back ID: APP-024404

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1838-A
PREMISES: 196 BEACH 60 STREET, Queens
Block 15902, Lot 19
Build it Back ID: APP-024415

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1839-A
PREMISES: 187 BEACH 60 STREET, Queens
Block 15903, Lot 24
Build it Back ID: APP-005792

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1840-A
PREMISES: 193 BEACH 60 STREET, Queens
Block 15903, Lot 21
Build it Back ID: APP-022407

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1841-A
PREMISES: 161 BEACH 60 STREET, Queens
Block 15903, Lot 38
Build it Back ID: APP-024991

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1842-A
PREMISES: 173 BEACH 60 STREET, Queens
Block 15903, Lot 33
Build it Back ID: APP-005094

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1843-A
PREMISES: 144 BEACH 60 STREET, Queens
Block 15931, Lot 36
Build it Back ID: APP-019781

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1844-A
PREMISES: 135 BEACH 60 STREET, Queens
Block 15932, Lot 54
Build it Back ID: APP-019978

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1845-A
PREMISES: 115 BEACH 60 STREET, Queens
Block 15932, Lot 65
Build it Back ID: APP-021115

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1846-A
PREMISES: 149 BEACH 60 STREET, Queens
Block 15932, Lot 45
Build it Back ID: APP-024197

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1847-A
PREMISES: 129 BEACH 60 STREET, Queens
Block 15932, Lot 57
Build it Back ID: APP-023351

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 60 STREET within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1848-A
PREMISES: 6006 BEACH FRONT ROAD, Queens
Block 15932, Lot 7501
Build it Back ID: APP-022496

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH FRONT ROAD within a R6 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1849-A
PREMISES: 467 BEACH 47 STREET, Queens
Block 15972, Lot 28
Build it Back ID: APP-020392

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 47 STREET within a R4 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1850-A
PREMISES: 69-32 BAYFIELD AVENUE, Queens
Block 16043, Lot 15
Build it Back ID: APP-001813

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1851-A
PREMISES: 410 BEACH 72 STREET, Queens
Block 16053, Lot 66
Build it Back ID: APP-021929

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 72 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1852-A
PREMISES: 324 BEACH 74 STREET, Queens
Block 16078, Lot 51
Build it Back ID: APP-006669

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 74 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1853-A
PREMISES: 327 BEACH 73 STREET, Queens
Block 16078, Lot 20
Build it Back ID: APP-012717

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1854-A
PREMISES: 316 BEACH 74 STREET, Queens
Block 16078, Lot 47
Build it Back ID: APP-016237

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 74 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1855-A
PREMISES: 337 BEACH 73 STREET, Queens
Block 16078, Lot 14
Build it Back ID: APP-017777

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1856-A
PREMISES: 322 BEACH 74 STREET, Queens
Block 16078, Lot 49
Build it Back ID: APP-020434

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 74 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1857-A
PREMISES: 341 BEACH 73 STREET, Queens
Block 16078, Lot 12
Build it Back ID: APP-022953

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1858-A
PREMISES: 331 BEACH 73 STREET, Queens
Block 16078, Lot 17
Build it Back ID: APP-024611

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1859-A
PREMISES: 321 BEACH 73 STREET, Queens
Block 16078, Lot 21
Build it Back ID: APP-024634

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1860-A
PREMISES: 370 BEACH 85 STREET, Queens
Block 16110, Lot 13
Build it Back ID: APP-012597

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 85 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1861-A
PREMISES: 1A BEACH 85 STREET, Queens
Block 16110, Lot 17
Build it Back ID: APP-016024

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 85 STREET partially within a R4-1 zoning district and partially within a C3 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1862-A
PREMISES: 84-18 BEACH CHANNEL DRIVE, Queens
Block 16110, Lot 1
Build it Back ID: APP-004079

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH CHANNEL DRIVE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1863-A
PREMISES: 301 BEACH 84 STREET, Queens
Block 16110, Lot 71
Build it Back ID: APP-018415

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 84 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1864-A
PREMISES: 309 BEACH 85 STREET, Queens
Block 16117, Lot 72
Build it Back ID: APP-010601

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 85 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1865-A
PREMISES: 311 BEACH 85 STREET, Queens
Block 16117, Lot 70
Build it Back ID: APP-013217

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 85 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1866-A
PREMISES: 316 BEACH 86 STREET, Queens
Block 16117, Lot 27
Build it Back ID: APP-012941

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 86 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1867-A
PREMISES: 348 BEACH 86 STREET, Queens
Block 16117, Lot 37
Build it Back ID: APP-013016

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 86 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1868-A
PREMISES: 340 BEACH 86 STREET, Queens
Block 16117, Lot 34
Build it Back ID: APP-014277

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 86 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1869-A
PREMISES: 312 BEACH 86 STREET, Queens
Block 16117, Lot 125
Build it Back ID: APP-014549

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 86 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1870-A
PREMISES: 318 BEACH 87 STREET, Queens
Block 16118, Lot 23
Build it Back ID: APP-001474

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1871-A
PREMISES: 320 BEACH 87 STREET, Queens
Block 16118, Lot 24
Build it Back ID: APP-004845

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1872-A
PREMISES: 348 BEACH 87 STREET, Queens
Block 16118, Lot 36
Build it Back ID: APP-008856

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1873-A
PREMISES: 314 BEACH 87 STREET, Queens
Block 16118, Lot 22
Build it Back ID: APP-011572

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1874-A
PREMISES: 330 BEACH 87 STREET, Queens
Block 16118, Lot 29
Build it Back ID: APP-014418

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1875-A
PREMISES: 338 BEACH 87 STREET, Queens
Block 16118, Lot 132
Build it Back ID: APP-013019

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1876-A
PREMISES: 326 BEACH 87 STREET, Queens
Block 16118, Lot 27
Build it Back ID: APP-013890

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1877-A
PREMISES: 346 BEACH 87 STREET, Queens
Block 16118, Lot 35
Build it Back ID: APP-022871

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1878-A
PREMISES: 341 BEACH 87 STREET, Queens
Block 16119, Lot 101
Build it Back ID: APP-004307

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1879-A
PREMISES: 327 BEACH 87 STREET, Queens
Block 16119, Lot 106
Build it Back ID: APP-011411

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1880-A
PREMISES: 345D BEACH 87 STREET, Queens
Block 16119, Lot 97
Build it Back ID: APP-025080

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1881-A
PREMISES: 345B BEACH 87 STREET, Queens
Block 16119, Lot 97
Build it Back ID: APP-025084

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1882-A
PREMISES: 305 BEACH 87 STREET, Queens
Block 16119, Lot 120
Build it Back ID: APP-001489

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1883-A
PREMISES: 319 BEACH 87 STREET, Queens
Block 16119, Lot 112
Build it Back ID: APP-009150

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1884-A
PREMISES: 355 BEACH 87 STREET, Queens
Block 16119, Lot 94
Build it Back ID: APP-024976

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1885-A
PREMISES: 339 BEACH 87 STREET, Queens
Block 16119, Lot 102
Build it Back ID: APP-005789

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1886-A
PREMISES: 315 BEACH 87 STREET, Queens
Block 16119, Lot 114
Build it Back ID: APP-009761

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1887-A
PREMISES: 345A BEACH 87 STREET, Queens
Block 16119, Lot 97
Build it Back ID: APP-025504

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1888-A
PREMISES: 227 BEACH 87 STREET, Queens
Block 16121, Lot 126
Build it Back ID: APP-014917

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 87 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1889-A
PREMISES: 90-08 ROCKAWAY BEACH BOULEVARD, Queens
Block 16124, Lot 114
Build it Back ID: APP-014872

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1890-A**
PREMISES: **91-06 ROCKAWAY BEACH BLVD, Queens**

Block 16125, Lot 108
Build it Back ID: **APP-013004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BLVD partially within a R5B zoning district and partially within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed

building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1891-A
PREMISES: 92-05 DE SOTA ROAD, Queens
Block 16127, Lot 11
Build it Back ID: APP-013787

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DE SOTA ROAD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1892-A
PREMISES: 184 BEACH 91 STREET, Queens
Block 16133, Lot 11
Build it Back ID: APP-003668

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1893-A
PREMISES: 192 BEACH 91 STREET, Queens
Block 16133, Lot 14
Build it Back ID: APP-022483

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET partially within a R5B zoning district and partially within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1894-A
PREMISES: 180 BEACH 91 STREET, Queens
Block 16133, Lot 10
Build it Back ID: APP-023284

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1895-A
PREMISES: 178 BEACH 91 STREET, Queens
Block 16133, Lot 9
Build it Back ID: APP-023556

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1896-A
PREMISES: 164 BEACH 91 STREET, Queens
Block 16133, Lot 3
Build it Back ID: APP-024772

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1897-A
PREMISES: 160 BEACH 91 STREET, Queens
Block 16133, Lot 2
Build it Back ID: APP-006663

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1898-A
PREMISES: 158 BEACH 91 STREET, Queens
Block 16133, Lot 1
Build it Back ID: APP-019184

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1899-A
PREMISES: 168 BEACH 91 STREET, Queens
Block 16133, Lot 4
Build it Back ID: APP-023345

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1900-A
PREMISES: 91-05 ROCKAWAY BEACH BOULEVARD, Queens

Block 16134, Lot 27
Build it Back ID: APP-004301

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD partially within a R5B zoning district and partially within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed

building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1901-A
PREMISES: 169 BEACH 91 STREET, Queens
Block 16134, Lot 42
Build it Back ID: APP-007505

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1902-A
PREMISES: 187 BEACH 91 STREET, Queens
Block 16134, Lot 32
Build it Back ID: APP-011744

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1903-A**
PREMISES: **171 BEACH 91 STREET, Queens**
Block 16134, Lot 141
Build it Back ID: **APP-007180**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1904-A
PREMISES: 177 BEACH 91 STREET, Queens
Block 16134, Lot 39
Build it Back ID: APP-023625

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1905-A
PREMISES: 90-19 HOLLAND AVENUE, Queens
Block 16136, Lot 15
Build it Back ID: APP-014863

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOLLAND AVENUE within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1906-A
PREMISES: 124 BEACH 91 STREET, Queens
Block 16136, Lot 7
Build it Back ID: APP-016009

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1907-A
PREMISES: 126 BEACH 91 STREET, Queens
Block 16136, Lot 8
Build it Back ID: APP-016248

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1908-A
PREMISES: 120 BEACH 91 STREET, Queens
Block 16136, Lot 5
Build it Back ID: APP-020363

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1909-A
PREMISES: 139 BEACH 91 STREET, Queens
Block 16137, Lot 47
Build it Back ID: APP-016939

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1910-A
PREMISES: 121 BEACH 91 STREET, Queens
Block 16137, Lot 59
Build it Back ID: APP-001258

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1911-A**
PREMISES: **131 BEACH 91 STREET, Queens**
Block 16137, Lot 53
Build it Back ID: **APP-021341**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 91 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1912-A
PREMISES: 128A BEACH 93 STREET, Queens
Block 16138, Lot 15
Build it Back ID: APP-008253

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1913-A
PREMISES: 132 BEACH 93 STREET, Queens
Block 16138, Lot 17
Build it Back ID: APP-001999

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1914-A
PREMISES: 128 BEACH 93 STREET, Queens
Block 16138, Lot 15
Build it Back ID: APP-003276

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1915-A
PREMISES: 140 BEACH 93 STREET, Queens
Block 16138, Lot 20
Build it Back ID: APP-012646

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1916-A
PREMISES: 134 BEACH 93 STREET, Queens
Block 16138, Lot 18
Build it Back ID: APP-017267

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1917-A
PREMISES: 152 BEACH 93 STREET, Queens
Block 16138, Lot 26
Build it Back ID: APP-019776

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1918-A
PREMISES: 138 BEACH 93 STREET, Queens
Block 16138, Lot 19
Build it Back ID: APP-023158

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1919-A
PREMISES: 154 BEACH 94 STREET, Queens
Block 16139, Lot 27
Build it Back ID: APP-001990

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 94 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1920-A
PREMISES: 157 BEACH 93 STREET, Queens
Block 16139, Lot 31
Build it Back ID: APP-004930

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1921-A
PREMISES: 144 BEACH 94 STREET, Queens
Block 16139, Lot 21
Build it Back ID: APP-009314

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 94 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1922-A
PREMISES: 96-12 ROCKAWAY BEACH BOULEVARD, Queens
Block 16152, Lot 81
Build it Back ID: APP-004496

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1923-A
PREMISES: 223 BEACH 96 STREET, Queens
Block 16152, Lot 67
Build it Back ID: APP-024500

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1924-A
PREMISES: 207 BEACH 96 STREET, Queens
Block 16152, Lot 75
Build it Back ID: APP-007404

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1925-A
PREMISES: 205 BEACH 96 STREET, Queens
Block 16152, Lot 77
Build it Back ID: APP-008279

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1926-A
PREMISES: 96-14 ROCKAWAY BEACH BOULEVARD, Queens
Block 16152, Lot 82
Build it Back ID: APP-014963

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1927-A
PREMISES: 219 BEACH 96 STREET, Queens
Block 16152, Lot 69
Build it Back ID: APP-024737

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1928-A
PREMISES: 203 BEACH 96 STREET, Queens
Block 16152, Lot 79
Build it Back ID: APP-025652

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1929-A
PREMISES: 97-10 ROCKAWAY BEACH BOULEVARD, Queens
Block 16153, Lot 95
Build it Back ID: APP-016701

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1930-A
PREMISES: 205 BEACH 98 STREET, Queens
Block 16154, Lot 32
Build it Back ID: APP-006676

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 98 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1931-A
PREMISES: 99-20 ROCKAWAY BEACH BOULEVARD, Queens
Block 16155, Lot 1
Build it Back ID: APP-002480

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1932-A
PREMISES: 100-04 ROCKAWAY BEACH BOULEVARD, Queens
Block 16156, Lot 100
Build it Back ID: APP-010675

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1933-A
PREMISES: 101-08 ROCKAWAY BEACH BOULEVARD, Queens
Block 16157, Lot 98
Build it Back ID: APP-002306

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1934-A
PREMISES: 101-04 ROCKAWAY BEACH BOULEVARD, Queens
Block 16157, Lot 96
Build it Back ID: APP-013009

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1935-A
PREMISES: 101-06 ROCKAWAY BEACH BOULEVARD, Queens
Block 16157, Lot 97
Build it Back ID: APP-018091

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1936-A
PREMISES: 95-17 ROCKAWAY BEACH BOULEVARD, Queens
Block 16168, Lot 42
Build it Back ID: APP-016557

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1937-A
PREMISES: 95-15 ROCKAWAY BEACH BOULEVARD, Queens
Block 16168, Lot 43
Build it Back ID: APP-016348

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1938-A
PREMISES: 163 BEACH 96 STREET, Queens
Block 16169, Lot 63
Build it Back ID: APP-020369

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1939-A
PREMISES: 165 BEACH 96 STREET, Queens
Block 16169, Lot 63
Build it Back ID: APP-020370

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1940-A
PREMISES: 171 BEACH 96 STREET, Queens
Block 16169, Lot 60
Build it Back ID: APP-005991

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1941-A
PREMISES: 179 BEACH 96 STREET, Queens
Block 16169, Lot 55
Build it Back ID: APP-021226

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1942-A
PREMISES: 199 BEACH 96 STREET, Queens
Block 16169, Lot 45
Build it Back ID: APP-015854

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1943-A
PREMISES: 173 BEACH 96 STREET, Queens
Block 16169, Lot 59
Build it Back ID: APP-024599

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1944-A**
PREMISES: **167 BEACH 96 STREET, Queens**
Block 16169, Lot 262
Build it Back ID: **APP-015093**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 96 STREET within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1945-A
PREMISES: 194 BEACH 98 STREET, Queens
Block 16170, Lot 35
Build it Back ID: APP-004488

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 98 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1946-A
PREMISES: 195 BEACH 97 STREET, Queens
Block 16170, Lot 50
Build it Back ID: APP-020045

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 97 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1947-A
PREMISES: 193 BEACH 98 STREET, Queens
Block 16171, Lot 39
Build it Back ID: APP-006780

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 98 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1948-A
PREMISES: 100-11B ROCKAWAY BEACH BOULEVARD, Queens
Block 16173, Lot 28
Build it Back ID: APP-017828

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1949-A
PREMISES: 197 BEACH 112 STREET, Queens
Block 16185, Lot 8
Build it Back ID: APP-004898

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 112 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1950-A
PREMISES: 196 BEACH 113 STREET, Queens
Block 16185, Lot 1
Build it Back ID: APP-007763

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 113 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1951-A
PREMISES: 198 BEACH 114 STREET, Queens
Block 16186, Lot 1
Build it Back ID: APP-013941

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 114 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1952-A
PREMISES: 197 BEACH 114 STREET, Queens
Block 16187, Lot 8
Build it Back ID: APP-007719

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 114 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1953-A
PREMISES: 119-07 ROCKAWAY BEACH BOULEVARD, Queens
Block 16229, Lot 6
Build it Back ID: APP-013142

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1954-A
PREMISES: 119-03 ROCKAWAY BEACH BOULEVARD, Queens
Block 16229, Lot 8
Build it Back ID: APP-016326

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1955-A
PREMISES: 119-15 ROCKAWAY BEACH BOULEVARD, Queens
Block 16229, Lot 1
Build it Back ID: APP-020222

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1956-A
PREMISES: 83 CRESCENT AVENUE, Staten Island
Block 50, Lot 106
Build it Back ID: APP-014654

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CRESCENT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1957-A
PREMISES: 100 KISSEL AVENUE, Staten Island
Block 78, Lot 93
Build it Back ID: APP-005268

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISSEL AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1958-A
PREMISES: 94 KISSEL AVENUE, Staten Island
Block 78, Lot 90
Build it Back ID: APP-014831

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISSEL AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1959-A
PREMISES: 392 PELTON AVENUE, Staten Island
Block 155, Lot 41
Build it Back ID: APP-025131

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PELTON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1960-A
PREMISES: 68 BEMENT AVENUE, Staten Island
Block 157, Lot 50
Build it Back ID: APP-015489

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEMENT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1961-A
PREMISES: 14 BEMENT AVENUE, Staten Island
Block 157, Lot 26
Build it Back ID: APP-023067

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEMENT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1962-A
PREMISES: 159 ELM STREET, Staten Island
Block 157, Lot 174
Build it Back ID: APP-021883

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELM STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1963-A
PREMISES: 84 ELM STREET, Staten Island
Block 158, Lot 78
Build it Back ID: APP-018394

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELM STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1964-A
PREMISES: 90 ELM STREET, Staten Island
Block 158, Lot 81
Build it Back ID: APP-012013

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELM STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1965-A
PREMISES: 191 NORTH BURGHER AVENUE, Staten Island
Block 161, Lot 117
Build it Back ID: APP-024184

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTH BURGHER AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1966-A
PREMISES: 37 MYRTLE AVENUE, Staten Island
Block 167, Lot 36
Build it Back ID: APP-013931

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MYRTLE AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1967-A
PREMISES: 140 NORTH BURGHER AVENUE, Staten Island
Block 173, Lot 21
Build it Back ID: APP-009213

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTH BURGHER AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1968-A
PREMISES: 14 SOUTH STREET, Staten Island
Block 179, Lot 38
Build it Back ID: APP-007087

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SOUTH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1969-A
PREMISES: 53 SENECA STREET, Staten Island
Block 180, Lot 83
Build it Back ID: APP-015743

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SENECA STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1970-A**
PREMISES: **17 JEWETT AVENUE, Staten Island**
Block 194, Lot 96
Build it Back ID: **APP-023809**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEWETT AVENUE within a C8-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1971-A
PREMISES: 21 ELIZABETH STREET, Staten Island
Block 209, Lot 38
Build it Back ID: APP-020902

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELIZABETH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1972-A
PREMISES: 28 ELIZABETH STREET, Staten Island
Block 210, Lot 55
Build it Back ID: APP-009691

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELIZABETH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1973-A
PREMISES: 32 WHITE PLACE, Staten Island
Block 214, Lot 14
Build it Back ID: APP-012540

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WHITE PLACE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1974-A**
PREMISES: **310 CLOVE ROAD, Staten Island**
Block 215, Lot 62
Build it Back ID: **APP-012773**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CLOVE ROAD within a C8-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1975-A**
PREMISES: **102 ELIZABETH STREET, Staten Island**
Block 221, Lot 58
Build it Back ID: **APP-003324**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELIZABETH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1976-A**
PREMISES: **118 ELIZABETH STREET, Staten Island**
Block 221, Lot 67
Build it Back ID: **APP-009383**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ELIZABETH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1977-A
PREMISES: 365 JEWETT AVENUE, Staten Island
Block 238, Lot 252
Build it Back ID: APP-010923

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEWETT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1978-A
PREMISES: 82 PURCELL STREET, Staten Island
Block 312, Lot 5
Build it Back ID: APP-023937

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PURCELL STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1979-A**
PREMISES: **193 GREENLEAF AVENUE, Staten Island**

Block 351, Lot 1
Build it Back ID: **APP-017167**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREENLEAF AVENUE partially within a R3X zoning district and partially within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed

building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1980-A
PREMISES: 387 STEWART AVENUE, Staten Island
Block 477, Lot 8
Build it Back ID: APP-016604

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STEWART AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1981-A
PREMISES: 382 BAY STREET, Staten Island
Block 505, Lot 8
Build it Back ID: APP-023363

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAY STREET within a M1-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1982-A**
PREMISES: **942 VAN DUZER STREET, Staten Island**

Block 618, Lot 50
Build it Back ID: **APP-015897**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on VAN DUZER STREET partially within a R3A zoning district and partially within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed

building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1983-A
PREMISES: 31 PRINCE STREET, Staten Island
Block 633, Lot 18
Build it Back ID: APP-019367

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PRINCE STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1984-A
PREMISES: 39 PRINCE STREET, Staten Island
Block 633, Lot 24
Build it Back ID: APP-015772

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PRINCE STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1985-A**
PREMISES: **100 LABAU AVENUE, Staten Island**
Block 671, Lot 25
Build it Back ID: **APP-011629**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LABAU AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1986-A**
PREMISES: **1340 VICTORY BOULEVARD, Staten Island**
Block 674, Lot 10
Build it Back ID: **APP-016932**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on VICTORY BOULEVARD within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1987-A**
PREMISES: **128 NORTHERN BOULEVARD, Staten Island**
Block 678, Lot 4
Build it Back ID: **APP-025378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTHERN BOULEVARD within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1988-A
PREMISES: 58 TILLMAN STREET, Staten Island
Block 700, Lot 36
Build it Back ID: APP-024200

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TILLMAN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1989-A
PREMISES: 91 QUINLAN AVENUE, Staten Island
Block 721, Lot 75
Build it Back ID: APP-025014

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINLAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1990-A
PREMISES: 22 ROOSEVELT AVENUE, Staten Island
Block 775, Lot 62
Build it Back ID: APP-006601

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROOSEVELT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1991-A
PREMISES: 400 MELBA STREET, Staten Island
Block 804, Lot 195
Build it Back ID: APP-022029

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MELBA STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1992-A
PREMISES: 561 BUCHANAN AVENUE, Staten Island
Block 822, Lot 59
Build it Back ID: APP-022258

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUCHANAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1993-A
PREMISES: 49 SUNSET AVENUE, Staten Island
Block 824, Lot 90
Build it Back ID: APP-023780

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUNSET AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1994-A
PREMISES: 41 RIDGE AVENUE, Staten Island
Block 858, Lot 72
Build it Back ID: APP-022311

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RIDGE AVENUE within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1995-A**
PREMISES: **7 BOND STREET, Staten Island**
Block 1013, Lot 54
Build it Back ID: **APP-011375**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOND STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1996-A
PREMISES: 50 BOND STREET, Staten Island
Block 1018, Lot 31
Build it Back ID: APP-018183

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOND STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1997-A
PREMISES: 396 JEWETT AVENUE, Staten Island
Block 1042, Lot 90
Build it Back ID: APP-006085

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEWETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-1998-A**
PREMISES: **30 PALMER AVENUE, Staten Island**
Block 1043, Lot 87
Build it Back ID: **APP-024346**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PALMER AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-1999-A
PREMISES: 2294 RICHMOND TERRACE, Staten Island
Block 1086, Lot 52
Build it Back ID: APP-004362

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R4 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2000-A
PREMISES: 42 TREADWELL AVENUE, Staten Island
Block 1086, Lot 86
Build it Back ID: APP-018966

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TREADWELL AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2001-A**
PREMISES: **2292 RICHMOND TERRACE, Staten Island**
Block 1086, Lot 53
Build it Back ID: **APP-013218**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R4 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2002-A
PREMISES: 7 NICHOLAS AVENUE, Staten Island
Block 1086, Lot 48
Build it Back ID: APP-025691

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NICHOLAS AVENUE partially within a R4 zoning district and partially within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2003-A
PREMISES: 86 BOWLES AVENUE, Staten Island
Block 1148, Lot 55
Build it Back ID: APP-013840

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOWLES AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2004-A**
PREMISES: **2580 RICHMOND TERRACE, Staten Island**
Block 1151, Lot 40
Build it Back ID: **APP-024844**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a M3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2005-A
PREMISES: 81 SIMONSON AVENUE, Staten Island
Block 1160, Lot 12
Build it Back ID: APP-012480

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SIMONSON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2006-A
PREMISES: 47 SIMONSON AVENUE, Staten Island
Block 1160, Lot 31
Build it Back ID: APP-022628

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SIMONSON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2007-A
PREMISES: 119 SIMONSON AVENUE, Staten Island
Block 1165, Lot 39
Build it Back ID: APP-018650

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SIMONSON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2008-A
PREMISES: 222A GRANITE AVENUE, Staten Island
Block 1172, Lot 117
Build it Back ID: APP-018388

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRANITE AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2009-A
PREMISES: 74 PRINCESS STREET, Staten Island
Block 1172, Lot 230
Build it Back ID: APP-004976

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PRINCESS STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2010-A
PREMISES: 31 WESTBROOK AVENUE, Staten Island
Block 1179, Lot 12
Build it Back ID: APP-020147

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WESTBROOK AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2011-A
PREMISES: 252 VAN PELT AVENUE, Staten Island
Block 1216, Lot 67
Build it Back ID: APP-025546

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on VAN PELT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2012-A**
PREMISES: **231 UNION AVENUE, Staten Island**
Block 1218, Lot 74
Build it Back ID: **APP-021269**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on UNION AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2013-A
PREMISES: 2950 RICHMOND TERRACE, Staten Island
Block 1224, Lot 16
Build it Back ID: APP-012493

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2014-A**
PREMISES: **169 HARBOUR ROAD, Staten Island**
Block 1228, Lot 8
Build it Back ID: **APP-016344**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARBOUR ROAD within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2015-A**
PREMISES: **157 HARBOR ROAD, Staten Island**
Block 1228, Lot 12
Build it Back ID: **APP-021374**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARBOR ROAD within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2016-A**
PREMISES: **189 HARBOR ROAD, Staten Island**
Block 1229, Lot 8
Build it Back ID: **APP-025745**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARBOR ROAD within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2017-A
PREMISES: 253 HARBOR ROAD, Staten Island
Block 1230, Lot 4
Build it Back ID: APP-002239

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARBOR ROAD within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2018-A
PREMISES: 3102 RICHMOND TERRACE, Staten Island
Block 1238, Lot 38
Build it Back ID: APP-001542

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2019-A
PREMISES: 3110 RICHMOND TERRACE, Staten Island
Block 1238, Lot 34
Build it Back ID: APP-007707

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2020-A
PREMISES: 5 MERSEREAU AVENUE, Staten Island
Block 1238, Lot 33
Build it Back ID: APP-007988

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MERSEREAU AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2021-A**
PREMISES: **3106 RICHMOND TERRACE, Staten Island**
Block 1238, Lot 36
Build it Back ID: **APP-009359**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2022-A
PREMISES: 3100 RICHMOND TERRACE, Staten Island
Block 1238, Lot 39
Build it Back ID: APP-019034

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2023-A
PREMISES: 3104 RICHMOND TERRACE, Staten Island
Block 1238, Lot 37
Build it Back ID: APP-021849

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RICHMOND TERRACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2024-A
PREMISES: 7 MERSEREAU AVENUE, Staten Island
Block 1238, Lot 32
Build it Back ID: APP-023229

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MERSEREAU AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2025-A
PREMISES: 293 SOUTH AVENUE, Staten Island
Block 1261, Lot 62
Build it Back ID: APP-006027

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SOUTH AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2026-A**
PREMISES: **851 MORROW STREET, Staten Island**
Block 1380, Lot 41
Build it Back ID: **APP-020149**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORROW STREET within a M2-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2027-A
PREMISES: 192 FAHY AVENUE, Staten Island
Block 1620, Lot 52
Build it Back ID: APP-002888

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAHY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2028-A
PREMISES: 216 FAHY AVENUE, Staten Island
Block 1620, Lot 65
Build it Back ID: APP-015560

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAHY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2029-A
PREMISES: 105 GAULDY AVENUE, Staten Island
Block 1632, Lot 209
Build it Back ID: APP-018697

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GAULDY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2030-A
PREMISES: 114 FAHY AVENUE, Staten Island
Block 1632, Lot 108
Build it Back ID: APP-025178

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FAHY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2031-A
PREMISES: 72 COMSTOCK AVENUE, Staten Island
Block 1643, Lot 30
Build it Back ID: APP-013657

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COMSTOCK AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2032-A
PREMISES: 27 SUMMERFIELD PLACE, Staten Island
Block 1691, Lot 23
Build it Back ID: APP-023189

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUMMERFIELD PLACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2033-A
PREMISES: 480 HAROLD STREET, Staten Island
Block 1980, Lot 37
Build it Back ID: APP-000402

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAROLD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2034-A
PREMISES: 93 FREEDOM AVENUE, Staten Island
Block 2100, Lot 521
Build it Back ID: APP-023326

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEDOM AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2035-A
PREMISES: 147 NUGENT STREET, Staten Island
Block 2265, Lot 49
Build it Back ID: APP-025236

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT STREET within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2036-A
PREMISES: 257 ST ANDREWS ROAD, Staten Island
Block 2270, Lot 52
Build it Back ID: APP-016298

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ST ANDREWS ROAD within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2037-A
PREMISES: 61 PARISH AVENUE, Staten Island
Block 2772, Lot 95
Build it Back ID: APP-005897

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PARISH AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2038-A
PREMISES: 72 MARYLAND AVENUE, Staten Island
Block 2831, Lot 31
Build it Back ID: APP-008351

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARYLAND AVENUE within a R4A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2039-A
PREMISES: 52 NAUTILUS STREET, Staten Island
Block 2834, Lot 126
Build it Back ID: APP-025045

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAUTILUS STREET within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2040-A
PREMISES: 135 GREENFIELD AVENUE, Staten Island
Block 2840, Lot 169
Build it Back ID: APP-025513

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREENFIELD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2041-A
PREMISES: 14 CHESTNUT AVENUE, Staten Island
Block 2845, Lot 17
Build it Back ID: APP-011421

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHESTNUT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2042-A
PREMISES: 40 CHESTNUT AVENUE, Staten Island
Block 2846, Lot 75
Build it Back ID: APP-016614

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHESTNUT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2043-A
PREMISES: 84 EVELYN PLACE, Staten Island
Block 2865, Lot 56
Build it Back ID: APP-001374

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVELYN PLACE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2044-A
PREMISES: 327 BRITTON AVENUE, Staten Island
Block 2888, Lot 29
Build it Back ID: APP-024307

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BRITTON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2045-A
PREMISES: 422 NECKAR AVENUE, Staten Island
Block 2912, Lot 1
Build it Back ID: APP-018066

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NECKAR AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2046-A
PREMISES: 596 TOMPKINS AVENUE, Staten Island
Block 2978, Lot 16
Build it Back ID: APP-018352

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TOMPKINS AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2047-A
PREMISES: 14 THOMPSON PLACE, Staten Island
Block 2980, Lot 10
Build it Back ID: APP-025807

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THOMPSON PLACE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2048-A
PREMISES: 181 FINGERBOARD ROAD, Staten Island
Block 3003, Lot 77
Build it Back ID: APP-016370

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINGERBOARD ROAD within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2049-A
PREMISES: 56 FINGERBOARD ROAD, Staten Island
Block 3069, Lot 30
Build it Back ID: APP-020096

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINGERBOARD ROAD within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2050-A
PREMISES: 84 FINGERBOARD ROAD, Staten Island
Block 3071, Lot 83
Build it Back ID: APP-019763

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINGERBOARD ROAD within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2051-A
PREMISES: 358 FINGERBOARD ROAD, Staten Island
Block 3089, Lot 23
Build it Back ID: APP-025676

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINGERBOARD ROAD within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2052-A
PREMISES: 35 MACFARLAND AVENUE, Staten Island
Block 3099, Lot 19
Build it Back ID: APP-019363

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MACFARLAND AVENUE within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2053-A
PREMISES: 82 DUER AVENUE, Staten Island
Block 3105, Lot 63
Build it Back ID: APP-020043

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DUER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2054-A
PREMISES: 124 JACKSON AVENUE, Staten Island
Block 3117, Lot 125
Build it Back ID: APP-014493

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JACKSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2055-A
PREMISES: 89 RAILROAD AVENUE, Staten Island
Block 3119, Lot 18
Build it Back ID: APP-020727

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RAILROAD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2056-A**
PREMISES: **175 FATHER CAPODANNO BOULEVARD, Staten Island**
Block 3122, Lot 118
Build it Back ID: **APP-002165**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FATHER CAPODANNO BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2057-A**
PREMISES: **52 DOTY AVENUE, Staten Island**
Block 3122, Lot 114
Build it Back ID: **APP-002358**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DOTY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2058-A
PREMISES: 10 RAGAZZI LANE, Staten Island
Block 3122, Lot 300
Build it Back ID: APP-008215

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RAGAZZI LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2059-A
PREMISES: 20 DOTY AVENUE, Staten Island
Block 3122, Lot 90
Build it Back ID: APP-010494

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DOTY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2060-A
PREMISES: 12 DOTY AVENUE, Staten Island
Block 3122, Lot 83
Build it Back ID: APP-012982

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DOTY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2061-A
PREMISES: 57 ALEX CIRCLE, Staten Island
Block 3123, Lot 144
Build it Back ID: APP-008002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2062-A
PREMISES: 27 ALEX CIRCLE, Staten Island
Block 3123, Lot 119
Build it Back ID: APP-009053

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2063-A
PREMISES: 29 ALEX CIRCLE, Staten Island
Block 3123, Lot 121
Build it Back ID: APP-011481

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2064-A
PREMISES: 59 ALEX CIRCLE, Staten Island
Block 3123, Lot 145
Build it Back ID: APP-011655

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2065-A
PREMISES: 51 ALEX CIRCLE, Staten Island
Block 3123, Lot 141
Build it Back ID: APP-019988

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2066-A
PREMISES: 39 ALEX CIRCLE, Staten Island
Block 3123, Lot 137
Build it Back ID: APP-025265

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALEX CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2067-A**
PREMISES: **32 LINDA AVENUE, Staten Island**
Block 3124, Lot 200
Build it Back ID: **APP-001070**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2068-A
PREMISES: 54 LINDA AVENUE, Staten Island
Block 3124, Lot 192
Build it Back ID: APP-002272

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2069-A
PREMISES: 15 SEASIDE LANE, Staten Island
Block 3124, Lot 465
Build it Back ID: APP-010582

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEASIDE LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2070-A**
PREMISES: **145 JACKSON AVENUE, Staten Island**
Block 3124, Lot 255
Build it Back ID: **APP-011540**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JACKSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2071-A
PREMISES: 52 LINDA AVENUE, Staten Island
Block 3124, Lot 193
Build it Back ID: APP-011561

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2072-A
PREMISES: 6 LINDA AVENUE, Staten Island
Block 3124, Lot 44
Build it Back ID: APP-013309

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2073-A
PREMISES: 66 LINDA AVENUE, Staten Island
Block 3124, Lot 185
Build it Back ID: APP-013565

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2074-A
PREMISES: 70 LINDA AVENUE, Staten Island
Block 3124, Lot 182
Build it Back ID: APP-014797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2075-A
PREMISES: 143 JACKSON AVENUE, Staten Island
Block 3124, Lot 257
Build it Back ID: APP-019708

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JACKSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2076-A
PREMISES: 10 LINDA AVENUE, Staten Island
Block 3124, Lot 43
Build it Back ID: APP-021933

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2077-A
PREMISES: 88 ROBIN ROAD, Staten Island
Block 3124, Lot 37
Build it Back ID: APP-002648

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBIN ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2078-A
PREMISES: 98 ROBIN ROAD, Staten Island
Block 3124, Lot 30
Build it Back ID: APP-021304

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBIN ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2079-A
PREMISES: 5 LINDA AVENUE, Staten Island
Block 3124, Lot 300
Build it Back ID: APP-021479

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINDA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2080-A
PREMISES: 830 WEST FINGERBOARD ROAD, Staten Island
Block 3209, Lot 3
Build it Back ID: APP-009178

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST FINGERBOARD ROAD within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2081-A
PREMISES: 285 NORWAY AVENUE, Staten Island
Block 3252, Lot 59
Build it Back ID: APP-006273

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORWAY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2082-A
PREMISES: 306 HUMBERT STREET, Staten Island
Block 3274, Lot 3
Build it Back ID: APP-007654

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUMBERT STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2083-A
PREMISES: 87 OLYMPIA BOULEVARD, Staten Island
Block 3278, Lot 1
Build it Back ID: APP-002045

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2084-A
PREMISES: 24 CAMBRIA STREET, Staten Island
Block 3281, Lot 59
Build it Back ID: APP-020894

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CAMBRIA STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2085-A
PREMISES: 41 OLYMPIA BOULEVARD, Staten Island
Block 3282, Lot 6
Build it Back ID: APP-008374

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2086-A
PREMISES: 41 LIBERTY AVENUE, Staten Island
Block 3306, Lot 56
Build it Back ID: APP-025721

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LIBERTY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2087-A
PREMISES: 100 SEAVIEW AVENUE, Staten Island
Block 3321, Lot 10
Build it Back ID: APP-019415

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2088-A
PREMISES: 232 RARITAN AVENUE, Staten Island
Block 3334, Lot 16
Build it Back ID: APP-021690

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RARITAN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2089-A
PREMISES: 279 SEAVIEW AVENUE, Staten Island
Block 3344, Lot 37
Build it Back ID: APP-000783

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2090-A**
PREMISES: **276 GARRETSON AVENUE, Staten Island**
Block 3344, Lot 14
Build it Back ID: **APP-011001**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GARRETSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2091-A
PREMISES: 289 SEAVIEW AVENUE, Staten Island
Block 3344, Lot 29
Build it Back ID: APP-012121

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2092-A
PREMISES: 95 JEROME ROAD, Staten Island
Block 3350, Lot 49
Build it Back ID: APP-022304

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEROME ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2093-A
PREMISES: 25 MASON AVENUE, Staten Island
Block 3354, Lot 34
Build it Back ID: APP-018947

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2094-A
PREMISES: 152 JEROME ROAD, Staten Island
Block 3359, Lot 23
Build it Back ID: APP-019561

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEROME ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2095-A
PREMISES: 245 EVERGREEN AVENUE, Staten Island
Block 3362, Lot 35
Build it Back ID: APP-000547

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2096-A
PREMISES: 263 EVERGREEN AVENUE, Staten Island
Block 3362, Lot 29
Build it Back ID: APP-001885

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2097-A
PREMISES: 267 EVERGREEN AVENUE, Staten Island
Block 3362, Lot 28
Build it Back ID: APP-004565

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2098-A
PREMISES: 259 EVERGREEN AVENUE, Staten Island
Block 3362, Lot 31
Build it Back ID: APP-013872

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2099-A
PREMISES: 275 EVERGREEN AVENUE, Staten Island
Block 3362, Lot 24
Build it Back ID: APP-015286

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2100-A**
PREMISES: **237 EVERGREEN AVENUE, Staten Island**
Block 3362, Lot 40
Build it Back ID: **APP-024588**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EVERGREEN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2101-A
PREMISES: 402 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 33
Build it Back ID: APP-005933

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2102-A
PREMISES: 430 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 44
Build it Back ID: APP-006630

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2103-A
PREMISES: 420 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 40
Build it Back ID: APP-008963

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2104-A
PREMISES: 250 LACONIA AVENUE, Staten Island
Block 3371, Lot 27
Build it Back ID: APP-011361

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LACONIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2105-A
PREMISES: 262 LACONIA AVENUE, Staten Island
Block 3371, Lot 22
Build it Back ID: APP-011362

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LACONIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2106-A
PREMISES: 416 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 38
Build it Back ID: APP-013058

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2107-A
PREMISES: 432 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 45
Build it Back ID: APP-015526

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2108-A
PREMISES: 428 ATLANTIC AVENUE, Staten Island
Block 3371, Lot 43
Build it Back ID: APP-017729

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ATLANTIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2109-A**
PREMISES: **453 RARITAN AVENUE, Staten Island**
Block 3371, Lot 58
Build it Back ID: **APP-019116**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RARITAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2110-A
PREMISES: 445 RARITAN AVENUE, Staten Island
Block 3371, Lot 62
Build it Back ID: APP-019419

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RARITAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2111-A
PREMISES: 391 GARRETSON AVENUE, Staten Island
Block 3378, Lot 15
Build it Back ID: APP-003847

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GARRETSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2112-A
PREMISES: 375 SEAVIEW AVENUE, Staten Island
Block 3379, Lot 60
Build it Back ID: APP-012825

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2113-A
PREMISES: 396 GARRETSON AVENUE, Staten Island
Block 3379, Lot 65
Build it Back ID: APP-016440

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GARRETSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2114-A
PREMISES: 767 NUGENT AVENUE, Staten Island
Block 3395, Lot 16
Build it Back ID: APP-014379

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2115-A
PREMISES: 7 LANSING STREET, Staten Island
Block 3400, Lot 32
Build it Back ID: APP-007900

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2116-A
PREMISES: 8 OLYMPIA BOULEVARD, Staten Island
Block 3400, Lot 4
Build it Back ID: APP-022620

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2117-A
PREMISES: 23 LANSING STREET, Staten Island
Block 3400, Lot 20
Build it Back ID: APP-001403

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2118-A
PREMISES: 36 OLYMPIA BOULEVARD, Staten Island
Block 3401, Lot 1
Build it Back ID: APP-005480

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2119-A
PREMISES: 10 LANSING STREET, Staten Island
Block 3401, Lot 11
Build it Back ID: APP-023750

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2120-A
PREMISES: 16 LANSING STREET, Staten Island
Block 3401, Lot 14
Build it Back ID: APP-010581

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2121-A
PREMISES: 11 BALFOUR STREET, Staten Island
Block 3401, Lot 24
Build it Back ID: APP-014454

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BALFOUR STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2122-A**
PREMISES: **19 BALFOUR STREET, Staten Island**
Block 3401, Lot 20
Build it Back ID: **APP-012049**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BALFOUR STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2123-A
PREMISES: 23 ORLANDO STREET, Staten Island
Block 3402, Lot 30
Build it Back ID: APP-005064

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2124-A
PREMISES: 46 OLYMPIA BOULEVARD, Staten Island
Block 3402, Lot 6
Build it Back ID: APP-021395

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2125-A
PREMISES: 16 ORLANDO STREET, Staten Island
Block 3403, Lot 14
Build it Back ID: APP-000852

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2126-A
PREMISES: 22 ORLANDO STREET, Staten Island
Block 3403, Lot 17
Build it Back ID: APP-010202

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2127-A
PREMISES: 20 ORLANDO STREET, Staten Island
Block 3403, Lot 16
Build it Back ID: APP-019389

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2128-A
PREMISES: 12 ORLANDO STREET, Staten Island
Block 3403, Lot 12
Build it Back ID: APP-019915

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2129-A**
PREMISES: **74 LANSING STREET, Staten Island**
Block 3403, Lot 21
Build it Back ID: **APP-004181**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2130-A
PREMISES: 78 OLYMPIA BOULEVARD, Staten Island
Block 3403, Lot 1
Build it Back ID: APP-013437

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2131-A
PREMISES: 26 ORLANDO STREET, Staten Island
Block 3403, Lot 19
Build it Back ID: APP-016916

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ORLANDO STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2132-A**
PREMISES: **80 LANSING STREET, Staten Island**
Block 3403, Lot 25
Build it Back ID: **APP-021002**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2133-A**
PREMISES: **16 SOUTH BEACH AVENUE, Staten Island**
Block 3404, Lot 17
Build it Back ID: **APP-005331**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SOUTH BEACH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2134-A
PREMISES: 26 SOUTH BEACH AVENUE, Staten Island
Block 3404, Lot 23
Build it Back ID: APP-025215

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SOUTH BEACH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2135-A
PREMISES: 36 SOUTH BEACH AVENUE, Staten Island
Block 3404, Lot 27
Build it Back ID: APP-021031

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SOUTH BEACH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2136-A
PREMISES: 55 LANSING STREET, Staten Island
Block 3405, Lot 14
Build it Back ID: APP-008822

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2137-A
PREMISES: 59 LANSING STREET, Staten Island
Block 3405, Lot 13
Build it Back ID: APP-008934

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2138-A
PREMISES: 41 LANSING STREET, Staten Island
Block 3405, Lot 21
Build it Back ID: APP-009562

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2139-A
PREMISES: 45 LANSING STREET, Staten Island
Block 3405, Lot 19
Build it Back ID: APP-009824

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2140-A
PREMISES: 85 LANSING STREET, Staten Island
Block 3405, Lot 1
Build it Back ID: APP-023051

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2141-A
PREMISES: 53 LANSING STREET, Staten Island
Block 3405, Lot 16
Build it Back ID: APP-009904

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANSING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2142-A
PREMISES: 115 OCEANSIDE AVENUE, Staten Island
Block 3406, Lot 18
Build it Back ID: APP-020403

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANSIDE AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2143-A
PREMISES: 73 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 72
Build it Back ID: APP-001256

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2144-A
PREMISES: 39 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 88
Build it Back ID: APP-001775

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2145-A
PREMISES: 53 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 78
Build it Back ID: APP-003791

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2146-A
PREMISES: 15 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 99
Build it Back ID: APP-003897

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2147-A
PREMISES: 61 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 76
Build it Back ID: APP-004270

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2148-A
PREMISES: 49 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 82
Build it Back ID: APP-007429

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2149-A
PREMISES: 51 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 80
Build it Back ID: APP-007989

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2150-A
PREMISES: 21 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 96
Build it Back ID: APP-015455

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2151-A
PREMISES: 37 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 89
Build it Back ID: APP-016178

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2152-A
PREMISES: 41 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 87
Build it Back ID: APP-018141

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2153-A
PREMISES: 47 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 83
Build it Back ID: APP-003141

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2154-A
PREMISES: 85 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 63
Build it Back ID: APP-004142

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2155-A
PREMISES: 75 MCLAUGHLIN STREET, Staten Island
Block 3411, Lot 69
Build it Back ID: APP-015983

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2156-A
PREMISES: 62 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 34
Build it Back ID: APP-002721

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2157-A
PREMISES: 94 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 154
Build it Back ID: APP-003455

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2158-A
PREMISES: 92 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 54
Build it Back ID: APP-006884

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2159-A
PREMISES: 90 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 53
Build it Back ID: APP-006925

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2160-A
PREMISES: 82 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 47
Build it Back ID: APP-012483

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2161-A
PREMISES: 78 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 45
Build it Back ID: APP-014658

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2162-A
PREMISES: 52 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 32
Build it Back ID: APP-015530

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2163-A
PREMISES: 49 AGNES PLACE, Staten Island
Block 3412, Lot 55
Build it Back ID: APP-017184

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AGNES PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2164-A
PREMISES: 51 AGNES PLACE, Staten Island
Block 3412, Lot 56
Build it Back ID: APP-018424

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AGNES PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2165-A
PREMISES: 44 MC LAUGHLIN STREET, Staten Island
Block 3412, Lot 28
Build it Back ID: APP-023627

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MC LAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2166-A
PREMISES: 84 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 49
Build it Back ID: APP-023719

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2167-A
PREMISES: 68 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 39
Build it Back ID: APP-000778

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2168-A
PREMISES: 24 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 18
Build it Back ID: APP-003114

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2169-A
PREMISES: 26 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 20
Build it Back ID: APP-004694

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2170-A
PREMISES: 85 PEARSALL STREET, Staten Island
Block 3412, Lot 58
Build it Back ID: APP-014461

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARSALL STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2171-A
PREMISES: 72 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 43
Build it Back ID: APP-019532

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2172-A**
PREMISES: **40 MCLAUGHLIN STREET, Staten Island**
Block 3412, Lot 26
Build it Back ID: **APP-021803**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2173-A
PREMISES: 30 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 21
Build it Back ID: APP-023046

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2174-A
PREMISES: 70 MCLAUGHLIN STREET, Staten Island
Block 3412, Lot 41
Build it Back ID: APP-001436

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2175-A
PREMISES: 148 MCLAUGHLIN STREET, Staten Island
Block 3413, Lot 2
Build it Back ID: APP-015448

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MCLAUGHLIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2176-A
PREMISES: 334 MALLORY AVENUE, Staten Island
Block 3418, Lot 21
Build it Back ID: APP-001016

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MALLORY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2177-A
PREMISES: 696 SEAVIEW AVENUE, Staten Island
Block 3478, Lot 36
Build it Back ID: APP-001359

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2178-A
PREMISES: 561 QUINCY AVENUE, Staten Island
Block 3478, Lot 37
Build it Back ID: APP-006253

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2179-A
PREMISES: 563 QUINCY AVENUE, Staten Island
Block 3478, Lot 38
Build it Back ID: APP-007696

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2180-A
PREMISES: 569 QUINCY AVENUE, Staten Island
Block 3478, Lot 42
Build it Back ID: APP-009060

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2181-A
PREMISES: 565 QUINCY AVENUE, Staten Island
Block 3478, Lot 39
Build it Back ID: APP-012579

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2182-A
PREMISES: 577 QUINCY AVENUE, Staten Island
Block 3478, Lot 44
Build it Back ID: APP-013548

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2183-A
PREMISES: 575 QUINCY AVENUE, Staten Island
Block 3478, Lot 43
Build it Back ID: APP-016549

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2184-A
PREMISES: 567 QUINCY AVENUE, Staten Island
Block 3478, Lot 40
Build it Back ID: APP-016205

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2185-A
PREMISES: 568 QUINCY AVENUE, Staten Island
Block 3481, Lot 6
Build it Back ID: APP-001703

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2186-A
PREMISES: 572 QUINCY AVENUE, Staten Island
Block 3481, Lot 5
Build it Back ID: APP-003637

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2187-A
PREMISES: 578 QUINCY AVENUE, Staten Island
Block 3481, Lot 1
Build it Back ID: APP-006490

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2188-A
PREMISES: 730 SEAVIEW AVENUE, Staten Island
Block 3481, Lot 8
Build it Back ID: APP-023417

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2189-A**
PREMISES: **732 SEAVIEW AVENUE, Staten Island**
Block 3481, Lot 8
Build it Back ID: **APP-023418**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEAVIEW AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2190-A
PREMISES: 449 FATHER CAPODANNO BOULEVARD, Staten Island
Block 3500, Lot 141
Build it Back ID: APP-015332

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FATHER CAPODANNO BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2191-A**
PREMISES: **227 DONGAN HILLS AVENUE, Staten Island**

Block 3538, Lot 214
Build it Back ID: **APP-000555**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE partially within a R3X zoning district and partially within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed

building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2192-A
PREMISES: 223 DONGAN HILLS AVENUE, Staten Island
Block 3538, Lot 212
Build it Back ID: APP-007423

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2193-A**
PREMISES: **215 DONGAN HILLS AVENUE, Staten Island**
Block 3538, Lot 206
Build it Back ID: **APP-009987**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2194-A
PREMISES: 199 DONGAN HILLS AVENUE, Staten Island
Block 3538, Lot 198
Build it Back ID: APP-021060

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2195-A
PREMISES: 176 DONGAN HILLS AVENUE, Staten Island
Block 3549, Lot 139
Build it Back ID: APP-000246

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2196-A
PREMISES: 210 DONGAN HILLS AVENUE, Staten Island
Block 3549, Lot 80
Build it Back ID: APP-005178

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2197-A
PREMISES: 206 DONGAN HILLS AVENUE, Staten Island
Block 3549, Lot 79
Build it Back ID: APP-006360

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2198-A**
PREMISES: **204 DONGAN HILLS AVENUE, Staten Island**
Block 3549, Lot 78
Build it Back ID: **APP-014787**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2199-A
PREMISES: 180 DONGAN HILLS AVENUE, Staten Island
Block 3549, Lot 141
Build it Back ID: APP-017732

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2200-A**
PREMISES: **11 JOYCE STREET, Staten Island**
Block 3549, Lot 117
Build it Back ID: **APP-021449**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JOYCE STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2201-A
PREMISES: 188 DONGAN HILLS AVENUE, Staten Island
Block 3549, Lot 145
Build it Back ID: APP-023199

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2202-A**
PREMISES: **184 DONGAN HILLS AVENUE, Staten Island**
Block 3549, Lot 143
Build it Back ID: **APP-014764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2203-A
PREMISES: 142 STOBE AVENUE, Staten Island
Block 3556, Lot 58
Build it Back ID: APP-014530

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2204-A
PREMISES: 144 STOBE AVENUE, Staten Island
Block 3556, Lot 60
Build it Back ID: APP-018382

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2205-A**
PREMISES: **152 JEFFERSON AVENUE, Staten Island**
Block 3557, Lot 57
Build it Back ID: **APP-014194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2206-A
PREMISES: 167 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 36
Build it Back ID: APP-001653

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2207-A
PREMISES: 197 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 22
Build it Back ID: APP-002370

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2208-A
PREMISES: 189 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 26
Build it Back ID: APP-007601

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2209-A
PREMISES: 179 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 33
Build it Back ID: APP-014327

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2210-A
PREMISES: 191 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 25
Build it Back ID: APP-019002

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2211-A
PREMISES: 187 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 27
Build it Back ID: APP-023968

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2212-A
PREMISES: 185 JEFFERSON AVENUE, Staten Island
Block 3559, Lot 29
Build it Back ID: APP-015655

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2213-A
PREMISES: 220 JEFFERSON AVENUE, Staten Island
Block 3560, Lot 67
Build it Back ID: APP-008519

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2214-A
PREMISES: 224 JEFFERSON AVENUE, Staten Island
Block 3560, Lot 68
Build it Back ID: APP-016156

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2215-A
PREMISES: 176 JEFFERSON AVENUE, Staten Island
Block 3560, Lot 38
Build it Back ID: APP-021590

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2216-A
PREMISES: 190 JEFFERSON AVENUE, Staten Island
Block 3560, Lot 47
Build it Back ID: APP-021716

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2217-A
PREMISES: 215 BEDFORD AVENUE, Staten Island
Block 3575, Lot 19
Build it Back ID: APP-016902

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2218-A
PREMISES: 251 BEDFORD AVENUE, Staten Island
Block 3575, Lot 1
Build it Back ID: APP-019880

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2219-A
PREMISES: 225 BEDFORD AVENUE, Staten Island
Block 3575, Lot 15
Build it Back ID: APP-023936

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2220-A
PREMISES: 227 BEDFORD AVENUE, Staten Island
Block 3575, Lot 13
Build it Back ID: APP-015250

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2221-A
PREMISES: 366 HUSSON STREET, Staten Island
Block 3575, Lot 24
Build it Back ID: APP-022402

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUSSON STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2222-A
PREMISES: 25 MIDLAND AVENUE, Staten Island
Block 3576, Lot 46
Build it Back ID: APP-023709

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2223-A
PREMISES: 377 HUSSON STREET, Staten Island
Block 3586, Lot 47
Build it Back ID: APP-024491

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUSSON STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2224-A
PREMISES: 226 BEDFORD AVENUE, Staten Island
Block 3589, Lot 54
Build it Back ID: APP-001083

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2225-A
PREMISES: 218 BEDFORD AVENUE, Staten Island
Block 3589, Lot 50
Build it Back ID: APP-006152

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2226-A
PREMISES: 227 MIDLAND AVENUE, Staten Island
Block 3589, Lot 20
Build it Back ID: APP-013527

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2227-A
PREMISES: 230 BEDFORD AVENUE, Staten Island
Block 3589, Lot 56
Build it Back ID: APP-014102

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2228-A
PREMISES: 238 BEDFORD AVENUE, Staten Island
Block 3589, Lot 61
Build it Back ID: APP-014799

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2229-A
PREMISES: 223 MIDLAND AVENUE, Staten Island
Block 3589, Lot 22
Build it Back ID: APP-022082

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2230-A
PREMISES: 210 BEDFORD AVENUE, Staten Island
Block 3589, Lot 46
Build it Back ID: APP-008303

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2231-A**
PREMISES: **57 GRANT PLACE, Staten Island**
Block 3590, Lot 71
Build it Back ID: **APP-011638**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRANT PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2232-A
PREMISES: 260 MIDLAND AVENUE, Staten Island
Block 3591, Lot 49
Build it Back ID: APP-018152

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE partially within a R3X zoning district and partially within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2233-A
PREMISES: 135 GREELEY AVENUE, Staten Island
Block 3604, Lot 18
Build it Back ID: APP-017966

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2234-A
PREMISES: 140 OTIS AVENUE, Staten Island
Block 3633, Lot 43
Build it Back ID: APP-025354

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OTIS AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2235-A
PREMISES: 325 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 94
Build it Back ID: APP-001915

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2236-A
PREMISES: 347 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 78
Build it Back ID: APP-009284

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2237-A
PREMISES: 335 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 84
Build it Back ID: APP-014507

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2238-A
PREMISES: 321 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 96
Build it Back ID: APP-015641

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2239-A
PREMISES: 315 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 99
Build it Back ID: APP-019594

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2240-A
PREMISES: 305 DONGAN HILLS AVENUE, Staten Island
Block 3651, Lot 104
Build it Back ID: APP-000496

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2241-A
PREMISES: 312 DONGAN HILLS AVENUE, Staten Island
Block 3652, Lot 29
Build it Back ID: APP-007467

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2242-A
PREMISES: 300 DONGAN HILLS AVENUE, Staten Island
Block 3652, Lot 23
Build it Back ID: APP-014962

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2243-A
PREMISES: 304 DONGAN HILLS AVENUE, Staten Island
Block 3652, Lot 25
Build it Back ID: APP-015382

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2244-A
PREMISES: 324 DONGAN HILLS AVENUE, Staten Island
Block 3652, Lot 35
Build it Back ID: APP-016421

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2245-A
PREMISES: 288 DONGAN HILLS AVENUE, Staten Island
Block 3652, Lot 16
Build it Back ID: APP-023203

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2246-A
PREMISES: 344 DONGAN HILLS AVENUE, Staten Island
Block 3655, Lot 22
Build it Back ID: APP-001275

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2247-A
PREMISES: 332 DONGAN HILLS AVENUE, Staten Island
Block 3655, Lot 16
Build it Back ID: APP-004671

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2248-A
PREMISES: 348 DONGAN HILLS AVENUE, Staten Island
Block 3655, Lot 24
Build it Back ID: APP-013220

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2249-A
PREMISES: 326 DONGAN HILLS AVENUE, Staten Island
Block 3655, Lot 11
Build it Back ID: APP-005929

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2250-A
PREMISES: 328 DONGAN HILLS AVENUE, Staten Island
Block 3655, Lot 14
Build it Back ID: APP-014313

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2251-A**
PREMISES: **340 DONGAN HILLS AVENUE, Staten Island**
Block 3655, Lot 21
Build it Back ID: **APP-024607**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DONGAN HILLS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2252-A
PREMISES: 55 BOUNDARY AVENUE, Staten Island
Block 3666, Lot 19
Build it Back ID: APP-023507

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2253-A
PREMISES: 65 MEADOW PLACE, Staten Island
Block 3667, Lot 11
Build it Back ID: APP-000900

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEADOW PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2254-A
PREMISES: 287 JEFFERSON AVENUE, Staten Island
Block 3667, Lot 120
Build it Back ID: APP-020489

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2255-A
PREMISES: 58 BOUNDARY AVENUE, Staten Island
Block 3667, Lot 24
Build it Back ID: APP-023372

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2256-A
PREMISES: 289 JEFFERSON AVENUE, Staten Island
Block 3667, Lot 19
Build it Back ID: APP-025122

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2257-A
PREMISES: 69 MEADOW PLACE, Staten Island
Block 3667, Lot 13
Build it Back ID: APP-025454

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEADOW PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2258-A
PREMISES: 63 MEADOW PLACE, Staten Island
Block 3667, Lot 9
Build it Back ID: APP-000042

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MEADOW PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2259-A
PREMISES: 83 BOUNDARY AVENUE, Staten Island
Block 3668, Lot 21
Build it Back ID: APP-000513

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2260-A
PREMISES: 77 BOUNDARY AVENUE, Staten Island
Block 3668, Lot 20
Build it Back ID: APP-000862

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2261-A
PREMISES: 89 BOUNDARY AVENUE, Staten Island
Block 3668, Lot 24
Build it Back ID: APP-009744

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2262-A
PREMISES: 85 BOUNDARY AVENUE, Staten Island
Block 3668, Lot 121
Build it Back ID: APP-020757

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2263-A
PREMISES: 91 BOUNDARY AVENUE, Staten Island
Block 3668, Lot 124
Build it Back ID: APP-022353

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2264-A
PREMISES: 72 BOUNDARY AVENUE, Staten Island
Block 3669, Lot 10
Build it Back ID: APP-007033

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2265-A
PREMISES: 90 BOUNDARY AVENUE, Staten Island
Block 3669, Lot 1
Build it Back ID: APP-017569

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2266-A**
PREMISES: **74 BOUNDARY AVENUE, Staten Island**
Block 3669, Lot 9
Build it Back ID: **APP-019310**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2267-A
PREMISES: 78 BOUNDARY AVENUE, Staten Island
Block 3669, Lot 6
Build it Back ID: APP-024481

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2268-A
PREMISES: 95 HAVEN AVENUE, Staten Island
Block 3669, Lot 18
Build it Back ID: APP-005573

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2269-A
PREMISES: 93 HAVEN AVENUE, Staten Island
Block 3669, Lot 17
Build it Back ID: APP-010608

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2270-A
PREMISES: 285 ADAMS AVENUE, Staten Island
Block 3670, Lot 23
Build it Back ID: APP-023922

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ADAMS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2271-A
PREMISES: 274 HULL AVENUE, Staten Island
Block 3670, Lot 19
Build it Back ID: APP-011240

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HULL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2272-A
PREMISES: 111 HAVEN AVENUE, Staten Island
Block 3671, Lot 18
Build it Back ID: APP-000086

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2273-A**
PREMISES: **296 HULL AVENUE, Staten Island**
Block 3671, Lot 14
Build it Back ID: **APP-001684**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HULL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2274-A
PREMISES: 115 HAVEN AVENUE, Staten Island
Block 3671, Lot 19
Build it Back ID: APP-002340

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2275-A
PREMISES: 292 HULL AVENUE, Staten Island
Block 3671, Lot 12
Build it Back ID: APP-003743

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HULL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2276-A
PREMISES: 98 BOUNDARY AVENUE, Staten Island
Block 3671, Lot 9
Build it Back ID: APP-014443

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2277-A
PREMISES: 109 HAVEN AVENUE, Staten Island
Block 3671, Lot 17
Build it Back ID: APP-025380

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2278-A
PREMISES: 309 ADAMS AVENUE, Staten Island
Block 3671, Lot 23
Build it Back ID: APP-015511

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ADAMS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2279-A
PREMISES: 287 HUNTER AVENUE, Staten Island
Block 3672, Lot 20
Build it Back ID: APP-016890

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2280-A
PREMISES: 138 BOUNDARY AVENUE, Staten Island
Block 3673, Lot 1
Build it Back ID: APP-003066

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2281-A
PREMISES: 296 ADAMS AVENUE, Staten Island
Block 3673, Lot 11
Build it Back ID: APP-005095

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ADAMS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2282-A
PREMISES: 301 HUNTER AVENUE, Staten Island
Block 3673, Lot 29
Build it Back ID: APP-007247

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2283-A
PREMISES: 141 HAVEN AVENUE, Staten Island
Block 3673, Lot 19
Build it Back ID: APP-008753

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2284-A
PREMISES: 303 HUNTER AVENUE, Staten Island
Block 3673, Lot 28
Build it Back ID: APP-009693

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2285-A
PREMISES: 305 HUNTER AVENUE, Staten Island
Block 3673, Lot 27
Build it Back ID: APP-015626

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2286-A**
PREMISES: **126 BOUNDARY AVENUE, Staten Island**
Block 3673, Lot 6
Build it Back ID: **APP-016374**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2287-A
PREMISES: 135 HAVEN AVENUE, Staten Island
Block 3673, Lot 17
Build it Back ID: APP-024606

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2288-A
PREMISES: 309 HUNTER AVENUE, Staten Island
Block 3673, Lot 24
Build it Back ID: APP-024831

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2289-A**
PREMISES: **145 HAVEN AVENUE, Staten Island**
Block 3673, Lot 21
Build it Back ID: **APP-011521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2290-A
PREMISES: 311 JEFFERSON AVENUE, Staten Island
Block 3674, Lot 88
Build it Back ID: APP-006127

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2291-A
PREMISES: 312 STOBE AVENUE, Staten Island
Block 3674, Lot 60
Build it Back ID: APP-010908

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2292-A
PREMISES: 336 STOBE AVENUE, Staten Island
Block 3674, Lot 72
Build it Back ID: APP-014606

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2293-A
PREMISES: 337 HUNTER AVENUE, Staten Island
Block 3679, Lot 8
Build it Back ID: APP-001225

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2294-A
PREMISES: 142 HAVEN AVENUE, Staten Island
Block 3679, Lot 19
Build it Back ID: APP-003098

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2295-A
PREMISES: 144 HAVEN AVENUE, Staten Island
Block 3679, Lot 17
Build it Back ID: APP-003497

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2296-A
PREMISES: 333 HUNTER AVENUE, Staten Island
Block 3679, Lot 11
Build it Back ID: APP-007797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2297-A
PREMISES: 339 HUNTER AVENUE, Staten Island
Block 3679, Lot 7
Build it Back ID: APP-009507

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2298-A
PREMISES: 343 HUNTER AVENUE, Staten Island
Block 3679, Lot 5
Build it Back ID: APP-017115

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2299-A
PREMISES: 347 HUNTER AVENUE, Staten Island
Block 3679, Lot 4
Build it Back ID: APP-020205

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2300-A**
PREMISES: **134 HAVEN AVENUE, Staten Island**
Block 3679, Lot 21
Build it Back ID: **APP-021631**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2301-A
PREMISES: 331 HUNTER AVENUE, Staten Island
Block 3679, Lot 12
Build it Back ID: APP-025789

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2302-A
PREMISES: 322 JEFFERSON AVENUE, Staten Island
Block 3679, Lot 57
Build it Back ID: APP-000105

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2303-A
PREMISES: 320 ADAMS AVENUE, Staten Island
Block 3679, Lot 89
Build it Back ID: APP-006281

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ADAMS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2304-A
PREMISES: 108 HAVEN AVENUE, Staten Island
Block 3679, Lot 33
Build it Back ID: APP-006738

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2305-A
PREMISES: 130 HAVEN AVENUE, Staten Island
Block 3679, Lot 23
Build it Back ID: APP-009256

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAVEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2306-A
PREMISES: 715 LACONIA AVENUE, Staten Island
Block 3679, Lot 91
Build it Back ID: APP-019494

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LACONIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2307-A
PREMISES: 310 ADAMS AVENUE, Staten Island
Block 3679, Lot 85
Build it Back ID: APP-021190

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ADAMS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2308-A
PREMISES: 351 STOBE AVENUE, Staten Island
Block 3681, Lot 77
Build it Back ID: APP-003208

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2309-A**
PREMISES: **630 LACONIA AVENUE, Staten Island**
Block 3681, Lot 35
Build it Back ID: **APP-014205**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LACONIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2310-A
PREMISES: 636 LACONIA AVENUE, Staten Island
Block 3681, Lot 31
Build it Back ID: APP-015543

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LACONIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2311-A**
PREMISES: **354 STOBE AVENUE, Staten Island**
Block 3682, Lot 55
Build it Back ID: **APP-009107**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2312-A
PREMISES: 363 HUNTER AVENUE, Staten Island
Block 3684, Lot 20
Build it Back ID: APP-001522

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2313-A
PREMISES: 365 HUNTER AVENUE, Staten Island
Block 3684, Lot 18
Build it Back ID: APP-010017

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2314-A
PREMISES: 284 HUNTER AVENUE, Staten Island
Block 3685, Lot 18
Build it Back ID: APP-015000

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2315-A**
PREMISES: **308 HUNTER AVENUE, Staten Island**
Block 3686, Lot 13
Build it Back ID: **APP-000248**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2316-A**
PREMISES: **156 BOUNDARY AVENUE, Staten Island**
Block 3686, Lot 1
Build it Back ID: **APP-009018**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2317-A
PREMISES: 326 HUNTER AVENUE, Staten Island
Block 3686, Lot 23
Build it Back ID: APP-011509

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2318-A**
PREMISES: **150 BOUNDARY AVENUE, Staten Island**
Block 3686, Lot 4
Build it Back ID: **APP-017367**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2319-A
PREMISES: 154 BOUNDARY AVENUE, Staten Island
Block 3686, Lot 3
Build it Back ID: APP-020589

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2320-A**
PREMISES: **148 BOUNDARY AVENUE, Staten Island**
Block 3686, Lot 6
Build it Back ID: **APP-021459**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2321-A**
PREMISES: **286 HAMDEN AVENUE, Staten Island**
Block 3688, Lot 20
Build it Back ID: **APP-018596**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2322-A
PREMISES: 336 LINCOLN AVENUE, Staten Island
Block 3697, Lot 27
Build it Back ID: APP-004372

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2323-A
PREMISES: 332 LINCOLN AVENUE, Staten Island
Block 3697, Lot 25
Build it Back ID: APP-005250

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2324-A
PREMISES: 320 LINCOLN AVENUE, Staten Island
Block 3697, Lot 23
Build it Back ID: APP-005492

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2325-A**
PREMISES: **340 LINCOLN AVENUE, Staten Island**
Block 3697, Lot 28
Build it Back ID: **APP-005617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2326-A
PREMISES: 257 BOUNDARY AVENUE, Staten Island
Block 3697, Lot 36
Build it Back ID: APP-012424

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2327-A
PREMISES: 271 BOUNDARY AVENUE, Staten Island
Block 3697, Lot 42
Build it Back ID: APP-014390

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2328-A
PREMISES: 342 LINCOLN AVENUE, Staten Island
Block 3697, Lot 30
Build it Back ID: APP-015643

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2329-A
PREMISES: 344 LINCOLN AVENUE, Staten Island
Block 3697, Lot 31
Build it Back ID: APP-016834

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2330-A
PREMISES: 347 GREELEY AVENUE, Staten Island
Block 3697, Lot 44
Build it Back ID: APP-001527

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2331-A
PREMISES: 267 BOUNDARY AVENUE, Staten Island
Block 3697, Lot 40
Build it Back ID: APP-002006

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2332-A**
PREMISES: **316 LINCOLN AVENUE, Staten Island**
Block 3697, Lot 21
Build it Back ID: **APP-016377**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE partially within a R3-1 zoning district and partially within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2333-A
PREMISES: 266 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 12
Build it Back ID: APP-003537

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2334-A
PREMISES: 262 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 14
Build it Back ID: APP-006378

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2335-A
PREMISES: 246 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 23
Build it Back ID: APP-008790

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2336-A
PREMISES: 260 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 15
Build it Back ID: APP-012865

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2337-A
PREMISES: 240 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 27
Build it Back ID: APP-013729

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2338-A
PREMISES: 242 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 25
Build it Back ID: APP-023501

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2339-A
PREMISES: 256 BOUNDARY AVENUE, Staten Island
Block 3698, Lot 17
Build it Back ID: APP-023679

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2340-A
PREMISES: 259 SANILAC STREET, Staten Island
Block 3698, Lot 42
Build it Back ID: APP-007603

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2341-A
PREMISES: 357 GREELEY AVENUE, Staten Island
Block 3698, Lot 5
Build it Back ID: APP-007687

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2342-A**
PREMISES: **251 SANILAC STREET, Staten Island**
Block 3698, Lot 38
Build it Back ID: **APP-017650**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2343-A
PREMISES: 255 SANILAC STREET, Staten Island
Block 3698, Lot 40
Build it Back ID: APP-019883

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2344-A
PREMISES: 361 GREELEY AVENUE, Staten Island
Block 3698, Lot 1
Build it Back ID: APP-022096

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2345-A
PREMISES: 263 SANILAC STREET, Staten Island
Block 3698, Lot 44
Build it Back ID: APP-025050

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2346-A
PREMISES: 261 RUDYARD STREET, Staten Island
Block 3699, Lot 40
Build it Back ID: APP-012711

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2347-A
PREMISES: 255 RUDYARD STREET, Staten Island
Block 3699, Lot 136
Build it Back ID: APP-025217

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2348-A
PREMISES: 246 SANILAC STREET, Staten Island
Block 3699, Lot 23
Build it Back ID: APP-003040

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2349-A**
PREMISES: **258 SANILAC STREET, Staten Island**
Block 3699, Lot 17
Build it Back ID: **APP-008378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2350-A
PREMISES: 242 SANILAC STREET, Staten Island
Block 3699, Lot 25
Build it Back ID: APP-009585

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2351-A**
PREMISES: **266 SANILAC STREET, Staten Island**
Block 3699, Lot 12
Build it Back ID: **APP-014365**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2352-A
PREMISES: 262 SANILAC STREET, Staten Island
Block 3699, Lot 15
Build it Back ID: APP-014547

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2353-A**
PREMISES: **251 RUDYARD STREET, Staten Island**
Block 3699, Lot 34
Build it Back ID: **APP-023243**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2354-A
PREMISES: 254 SANILAC STREET, Staten Island
Block 3699, Lot 19
Build it Back ID: APP-024719

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2355-A
PREMISES: 323 BOUNDARY AVENUE, Staten Island
Block 3701, Lot 26
Build it Back ID: APP-024969

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOUNDARY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2356-A
PREMISES: 313 SANILAC ST, Staten Island
Block 3702, Lot 56
Build it Back ID: APP-002946

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC ST within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2357-A
PREMISES: 315 SANILAC STREET, Staten Island
Block 3702, Lot 57
Build it Back ID: APP-011848

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2358-A
PREMISES: 366 GREELEY AVENUE, Staten Island
Block 3702, Lot 41
Build it Back ID: APP-020146

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2359-A
PREMISES: 323 SANILAC STREET, Staten Island
Block 3702, Lot 61
Build it Back ID: APP-021397

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2360-A
PREMISES: 313 RUDYARD STREET, Staten Island
Block 3703, Lot 52
Build it Back ID: APP-003449

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2361-A**
PREMISES: **300 SANILAC STREET, Staten Island**
Block 3703, Lot 25
Build it Back ID: **APP-003595**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2362-A
PREMISES: 323 RUDYARD STREET, Staten Island
Block 3703, Lot 57
Build it Back ID: APP-005146

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2363-A
PREMISES: 315 RUDYARD STREET, Staten Island
Block 3703, Lot 53
Build it Back ID: APP-014197

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2364-A
PREMISES: 321 RUDYARD STREET, Staten Island
Block 3703, Lot 56
Build it Back ID: APP-015280

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2365-A
PREMISES: 319 RUDYARD STREET, Staten Island
Block 3703, Lot 55
Build it Back ID: APP-016840

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2366-A
PREMISES: 326 SANILAC STREET, Staten Island
Block 3703, Lot 12
Build it Back ID: APP-017848

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2367-A**
PREMISES: **302 SANILAC STREET, Staten Island**
Block 3703, Lot 24
Build it Back ID: **APP-017920**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2368-A
PREMISES: 307 RUDYARD STREET, Staten Island
Block 3703, Lot 49
Build it Back ID: APP-019743

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2369-A
PREMISES: 306 SANILAC STREET, Staten Island
Block 3703, Lot 22
Build it Back ID: APP-021739

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SANILAC STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2370-A
PREMISES: 325 RUDYARD STREET, Staten Island
Block 3703, Lot 59
Build it Back ID: APP-024493

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2371-A
PREMISES: 497 BUEL AVENUE, Staten Island
Block 3707, Lot 79
Build it Back ID: APP-003336

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2372-A**
PREMISES: **527 BUEL AVENUE, Staten Island**
Block 3707, Lot 65
Build it Back ID: **APP-003434**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2373-A
PREMISES: 533 BUEL AVENUE, Staten Island
Block 3707, Lot 62
Build it Back ID: APP-005538

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2374-A
PREMISES: 547 BUEL AVENUE, Staten Island
Block 3707, Lot 50
Build it Back ID: APP-006976

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2375-A
PREMISES: 543 BUEL AVENUE, Staten Island
Block 3707, Lot 52
Build it Back ID: APP-007476

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2376-A
PREMISES: 545 BUEL AVENUE, Staten Island
Block 3707, Lot 51
Build it Back ID: APP-007569

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2377-A
PREMISES: 529 BUEL AVENUE, Staten Island
Block 3707, Lot 64
Build it Back ID: APP-007771

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2378-A
PREMISES: 503 BUEL AVENUE, Staten Island
Block 3707, Lot 77
Build it Back ID: APP-009105

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2379-A
PREMISES: 539 BUEL AVENUE, Staten Island
Block 3707, Lot 56
Build it Back ID: APP-009176

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2380-A
PREMISES: 515 BUEL AVENUE, Staten Island
Block 3707, Lot 73
Build it Back ID: APP-009753

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2381-A
PREMISES: 517 BUEL AVENUE, Staten Island
Block 3707, Lot 72
Build it Back ID: APP-010856

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2382-A
PREMISES: 525 BUEL AVENUE, Staten Island
Block 3707, Lot 66
Build it Back ID: APP-011369

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2383-A
PREMISES: 531 BUEL AVENUE, Staten Island
Block 3707, Lot 63
Build it Back ID: APP-015287

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2384-A
PREMISES: 507 BUEL AVENUE, Staten Island
Block 3707, Lot 76
Build it Back ID: APP-019716

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2385-A**
PREMISES: **541 BUEL AVENUE, Staten Island**
Block 3707, Lot 55
Build it Back ID: **APP-020019**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2386-A
PREMISES: 493 BUEL AVENUE, Staten Island
Block 3707, Lot 81
Build it Back ID: APP-020693

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2387-A
PREMISES: 489 BUEL AVENUE, Staten Island
Block 3707, Lot 83
Build it Back ID: APP-002170

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2388-A
PREMISES: 559 NUGENT AVENUE, Staten Island
Block 3711, Lot 41
Build it Back ID: APP-001935

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2389-A
PREMISES: 196 SLATER BOULEVARD, Staten Island
Block 3711, Lot 39
Build it Back ID: APP-008396

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SLATER BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2390-A
PREMISES: 477 STOBE AVENUE, Staten Island
Block 3716, Lot 40
Build it Back ID: APP-019966

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STOBE AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2391-A
PREMISES: 469 JEFFERSON AVENUE, Staten Island
Block 3717, Lot 44
Build it Back ID: APP-001513

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2392-A
PREMISES: 3 NUGENT COURT, Staten Island
Block 3717, Lot 35
Build it Back ID: APP-010062

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT COURT within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2393-A
PREMISES: 673 NUGENT AVENUE, Staten Island
Block 3717, Lot 41
Build it Back ID: APP-022560

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2394-A
PREMISES: 465 JEFFERSON AVENUE, Staten Island
Block 3717, Lot 45
Build it Back ID: APP-021087

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2395-A
PREMISES: 405 HUNTER AVENUE, Staten Island
Block 3722, Lot 42
Build it Back ID: APP-000509

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2396-A
PREMISES: 410 HUNTER AVENUE, Staten Island
Block 3725, Lot 3
Build it Back ID: APP-004004

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2397-A
PREMISES: 424 HUNTER AVENUE, Staten Island
Block 3725, Lot 10
Build it Back ID: APP-007353

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2398-A
PREMISES: 121 BEACHVIEW AVENUE, Staten Island
Block 3725, Lot 28
Build it Back ID: APP-012233

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACHVIEW AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2399-A
PREMISES: 422 HUNTER AVENUE, Staten Island
Block 3725, Lot 9
Build it Back ID: APP-020324

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2400-A
PREMISES: 408 HUNTER AVENUE, Staten Island
Block 3725, Lot 1
Build it Back ID: APP-024320

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2401-A
PREMISES: 391 HAMDEN AVENUE, Staten Island
Block 3726, Lot 11
Build it Back ID: APP-008287

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2402-A**
PREMISES: **397 HAMDEN AVENUE, Staten Island**
Block 3726, Lot 17
Build it Back ID: **APP-015431**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2403-A
PREMISES: 405 HAMDEN AVENUE, Staten Island
Block 3726, Lot 20
Build it Back ID: APP-022185

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2404-A
PREMISES: 403 HAMDEN AVENUE, Staten Island
Block 3726, Lot 19
Build it Back ID: APP-025663

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2405-A
PREMISES: 407 HAMDEN AVENUE, Staten Island
Block 3726, Lot 23
Build it Back ID: APP-025689

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2406-A
PREMISES: 419 HAMDEN AVENUE, Staten Island
Block 3727, Lot 5
Build it Back ID: APP-006910

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2407-A
PREMISES: 425 HAMDEN AVENUE, Staten Island
Block 3727, Lot 8
Build it Back ID: APP-011560

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2408-A
PREMISES: 429 HAMDEN AVENUE, Staten Island
Block 3727, Lot 10
Build it Back ID: APP-013919

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2409-A
PREMISES: 423 HAMDEN AVENUE, Staten Island
Block 3727, Lot 7
Build it Back ID: APP-017206

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2410-A
PREMISES: 51 IDLEASE PLACE, Staten Island
Block 3727, Lot 1
Build it Back ID: APP-023746

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on IDLEASE PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2411-A
PREMISES: 122 BEACHVIEW AVENUE, Staten Island
Block 3727, Lot 4
Build it Back ID: APP-002228

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACHVIEW AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2412-A
PREMISES: 115 MORELAND STREET, Staten Island
Block 3729, Lot 28
Build it Back ID: APP-007676

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2413-A
PREMISES: 1150 MASON AVENUE, Staten Island
Block 3729, Lot 41
Build it Back ID: APP-010276

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2414-A**
PREMISES: **1158 MASON AVENUE, Staten Island**
Block 3729, Lot 1
Build it Back ID: **APP-013589**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2415-A
PREMISES: 147 MORELAND STREET, Staten Island
Block 3729, Lot 142
Build it Back ID: APP-014086

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2416-A
PREMISES: 1193 MASON AVENUE, Staten Island
Block 3733, Lot 53
Build it Back ID: APP-010377

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2417-A
PREMISES: 1191 MASON AVENUE, Staten Island
Block 3733, Lot 52
Build it Back ID: APP-012628

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2418-A
PREMISES: 1169 MASON AVENUE, Staten Island
Block 3733, Lot 42
Build it Back ID: APP-013105

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2419-A
PREMISES: 1187 MASON AVENUE, Staten Island
Block 3733, Lot 50
Build it Back ID: APP-017560

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2420-A
PREMISES: 1189 MASON AVENUE, Staten Island
Block 3733, Lot 51
Build it Back ID: APP-020275

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2421-A
PREMISES: 167 MORELAND STREET, Staten Island
Block 3734, Lot 31
Build it Back ID: APP-001860

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2422-A
PREMISES: 179 MORELAND STREET, Staten Island
Block 3734, Lot 37
Build it Back ID: APP-004764

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2423-A
PREMISES: 173 MORELAND STREET, Staten Island
Block 3734, Lot 33
Build it Back ID: APP-007443

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2424-A
PREMISES: 181 MORELAND STREET, Staten Island
Block 3734, Lot 38
Build it Back ID: APP-009048

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2425-A
PREMISES: 183 MORELAND STREET, Staten Island
Block 3734, Lot 39
Build it Back ID: APP-015091

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2426-A
PREMISES: 187 MORELAND STREET, Staten Island
Block 3734, Lot 41
Build it Back ID: APP-015096

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2427-A
PREMISES: 165 MORELAND STREET, Staten Island
Block 3734, Lot 30
Build it Back ID: APP-017895

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2428-A
PREMISES: 189 MORELAND STREET, Staten Island
Block 3734, Lot 42
Build it Back ID: APP-018102

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2429-A
PREMISES: 1174 MASON AVENUE, Staten Island
Block 3734, Lot 18
Build it Back ID: APP-019483

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2430-A
PREMISES: 193 MORELAND STREET, Staten Island
Block 3734, Lot 44
Build it Back ID: APP-020087

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2431-A
PREMISES: 185 MORELAND STREET, Staten Island
Block 3734, Lot 39
Build it Back ID: APP-025166

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2432-A**
PREMISES: **177 MORELAND STREET, Staten Island**
Block 3734, Lot 17
Build it Back ID: **APP-004799**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2433-A
PREMISES: 188 MORELAND STREET, Staten Island
Block 3735, Lot 14
Build it Back ID: APP-002027

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2434-A
PREMISES: 182 MORELAND STREET, Staten Island
Block 3735, Lot 17
Build it Back ID: APP-003257

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2435-A
PREMISES: 167 KISWICK STREET, Staten Island
Block 3735, Lot 36
Build it Back ID: APP-003636

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2436-A
PREMISES: 184 MORELAND STREET, Staten Island
Block 3735, Lot 16
Build it Back ID: APP-005139

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2437-A
PREMISES: 166 MORELAND STREET, Staten Island
Block 3735, Lot 25
Build it Back ID: APP-005943

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2438-A
PREMISES: 175 KISWICK STREET, Staten Island
Block 3735, Lot 40
Build it Back ID: APP-008102

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2439-A
PREMISES: 176 MORELAND STREET, Staten Island
Block 3735, Lot 20
Build it Back ID: APP-008107

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2440-A
PREMISES: 193 KISWICK STREET, Staten Island
Block 3735, Lot 49
Build it Back ID: APP-008418

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2441-A
PREMISES: 165 KISWICK STREET, Staten Island
Block 3735, Lot 35
Build it Back ID: APP-011069

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2442-A
PREMISES: 191 KISWICK STREET, Staten Island
Block 3735, Lot 48
Build it Back ID: APP-011956

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2443-A
PREMISES: 181 KISWICK STREET, Staten Island
Block 3735, Lot 43
Build it Back ID: APP-013656

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2444-A**
PREMISES: **173 KISWICK STREET, Staten Island**
Block 3735, Lot 39
Build it Back ID: **APP-014672**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2445-A
PREMISES: 178 MORELAND STREET, Staten Island
Block 3735, Lot 19
Build it Back ID: APP-015407

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2446-A
PREMISES: 183 KISWICK STREET, Staten Island
Block 3735, Lot 44
Build it Back ID: APP-015871

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2447-A
PREMISES: 174 MORELAND STREET, Staten Island
Block 3735, Lot 21
Build it Back ID: APP-016402

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2448-A
PREMISES: 186 MORELAND STREET, Staten Island
Block 3735, Lot 15
Build it Back ID: APP-016573

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2449-A
PREMISES: 172 MORELAND STREET, Staten Island
Block 3735, Lot 22
Build it Back ID: APP-017175

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2450-A
PREMISES: 474 BEDFORD AVENUE, Staten Island
Block 3735, Lot 29
Build it Back ID: APP-021722

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEDFORD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2451-A
PREMISES: 179 KISWICK STREET, Staten Island
Block 3735, Lot 42
Build it Back ID: APP-018127

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2452-A
PREMISES: 172 KISWICK STREET, Staten Island
Block 3736, Lot 22
Build it Back ID: APP-002681

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2453-A
PREMISES: 819 NUGENT AVENUE, Staten Island
Block 3736, Lot 42
Build it Back ID: APP-002961

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2454-A
PREMISES: 817 NUGENT AVENUE, Staten Island
Block 3736, Lot 41
Build it Back ID: APP-002979

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2455-A
PREMISES: 190 KISWICK STREET, Staten Island
Block 3736, Lot 13
Build it Back ID: APP-003313

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2456-A
PREMISES: 809 NUGENT AVENUE, Staten Island
Block 3736, Lot 34
Build it Back ID: APP-007300

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2457-A
PREMISES: 192 KISWICK STREET, Staten Island
Block 3736, Lot 12
Build it Back ID: APP-007554

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2458-A
PREMISES: 174 KISWICK STREET, Staten Island
Block 3736, Lot 21
Build it Back ID: APP-008093

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2459-A
PREMISES: 176 KISWICK STREET, Staten Island
Block 3736, Lot 20
Build it Back ID: APP-008100

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2460-A
PREMISES: 815 NUGENT AVENUE, Staten Island
Block 3736, Lot 38
Build it Back ID: APP-008277

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2461-A
PREMISES: 180 KISWICK STREET, Staten Island
Block 3736, Lot 18
Build it Back ID: APP-008358

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2462-A
PREMISES: 178 KISWICK STREET, Staten Island
Block 3736, Lot 19
Build it Back ID: APP-011072

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2463-A
PREMISES: 188 KISWICK STREET, Staten Island
Block 3736, Lot 14
Build it Back ID: APP-011302

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2464-A**
PREMISES: **186 KISWICK STREET, Staten Island**
Block 3736, Lot 15
Build it Back ID: **APP-020419**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2465-A
PREMISES: 823 NUGENT AVENUE, Staten Island
Block 3736, Lot 44
Build it Back ID: APP-000379

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2466-A
PREMISES: 827 NUGENT AVENUE, Staten Island
Block 3736, Lot 47
Build it Back ID: APP-011536

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2467-A
PREMISES: 831 NUGENT AVENUE, Staten Island
Block 3736, Lot 49
Build it Back ID: APP-023805

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2468-A
PREMISES: 457 LINCOLN AVENUE, Staten Island
Block 3738, Lot 5
Build it Back ID: APP-014263

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2469-A
PREMISES: 463 LINCOLN AVENUE, Staten Island
Block 3738, Lot 3
Build it Back ID: APP-021909

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2470-A
PREMISES: 249 POULTNEY STREET, Staten Island
Block 3741, Lot 33
Build it Back ID: APP-013572

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POULTNEY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2471-A
PREMISES: 405 GREELEY AVENUE, Staten Island
Block 3741, Lot 8
Build it Back ID: APP-019175

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2472-A
PREMISES: 250 RUDYARD STREET, Staten Island
Block 3741, Lot 20
Build it Back ID: APP-022576

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2473-A**
PREMISES: **254 RUDYARD STREET, Staten Island**
Block 3741, Lot 18
Build it Back ID: **APP-022568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2474-A**
PREMISES: **242 POULTNEY STREET, Staten Island**
Block 3742, Lot 25
Build it Back ID: **APP-021521**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POULTNEY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2475-A
PREMISES: 300 RUDYARD STREET, Staten Island
Block 3744, Lot 24
Build it Back ID: APP-000145

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2476-A
PREMISES: 295 POULTNEY STREET, Staten Island
Block 3744, Lot 45
Build it Back ID: APP-001185

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POULTNEY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2477-A
PREMISES: 286 RUDYARD STREET, Staten Island
Block 3744, Lot 30
Build it Back ID: APP-010968

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2478-A**
PREMISES: **298 RUDYARD STREET, Staten Island**
Block 3744, Lot 25
Build it Back ID: **APP-014884**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2479-A
PREMISES: 322 RUDYARD STREET, Staten Island
Block 3744, Lot 12
Build it Back ID: APP-016606

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2480-A
PREMISES: 306 RUDYARD STREET, Staten Island
Block 3744, Lot 20
Build it Back ID: APP-017808

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2481-A
PREMISES: 299 POULTNEY STREET, Staten Island
Block 3744, Lot 47
Build it Back ID: APP-020587

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on POULTNEY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2482-A
PREMISES: 312 RUDYARD STREET, Staten Island
Block 3744, Lot 17
Build it Back ID: APP-021627

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2483-A
PREMISES: 290 RUDYARD STREET, Staten Island
Block 3744, Lot 29
Build it Back ID: APP-021705

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2484-A
PREMISES: 318 RUDYARD STREET, Staten Island
Block 3744, Lot 14
Build it Back ID: APP-022698

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2485-A
PREMISES: 310 RUDYARD STREET, Staten Island
Block 3744, Lot 18
Build it Back ID: APP-024461

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2486-A
PREMISES: 302 RUDYARD STREET, Staten Island
Block 3744, Lot 22
Build it Back ID: APP-025430

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUDYARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2487-A
PREMISES: 410 GREELEY AVENUE, Staten Island
Block 3745, Lot 31
Build it Back ID: APP-008604

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2488-A
PREMISES: 1287 MASON AVENUE, Staten Island
Block 3746, Lot 39
Build it Back ID: APP-019454

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MASON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2489-A
PREMISES: 298 OLDFIELD STREET, Staten Island
Block 3746, Lot 24
Build it Back ID: APP-019599

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLDFIELD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2490-A
PREMISES: 440 GREELEY AVENUE, Staten Island
Block 3746, Lot 37
Build it Back ID: APP-003855

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2491-A
PREMISES: 662 NUGENT AVENUE, Staten Island
Block 3764, Lot 12
Build it Back ID: APP-004286

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2492-A
PREMISES: 945 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 53
Build it Back ID: APP-001590

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2493-A
PREMISES: 937 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 49
Build it Back ID: APP-004685

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2494-A
PREMISES: 931 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 45
Build it Back ID: APP-006381

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2495-A
PREMISES: 941 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 51
Build it Back ID: APP-008117

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2496-A
PREMISES: 943 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 52
Build it Back ID: APP-011074

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2497-A
PREMISES: 935 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 48
Build it Back ID: APP-014062

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2498-A
PREMISES: 569 HUNTER AVENUE, Staten Island
Block 3791, Lot 1
Build it Back ID: APP-020148

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2499-A
PREMISES: 953 OLYMPIA BOULEVARD, Staten Island
Block 3791, Lot 56
Build it Back ID: APP-018199

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2500-A
PREMISES: 938 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 19
Build it Back ID: APP-000151

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2501-A
PREMISES: 942 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 16
Build it Back ID: APP-000926

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2502-A
PREMISES: 936 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 20
Build it Back ID: APP-002643

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2503-A
PREMISES: 956 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 9
Build it Back ID: APP-004442

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2504-A
PREMISES: 940 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 18
Build it Back ID: APP-024142

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2505-A
PREMISES: 954 OLYMPIA BOULEVARD, Staten Island
Block 3792, Lot 9
Build it Back ID: APP-004423

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2506-A**
PREMISES: **639 HUNTER AVENUE, Staten Island**
Block 3794, Lot 1
Build it Back ID: **APP-008685**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2507-A
PREMISES: 608 JEFFERSON AVENUE, Staten Island
Block 3794, Lot 45
Build it Back ID: APP-022067

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2508-A
PREMISES: 983 OLYMPIA BOULEVARD, Staten Island
Block 3797, Lot 30
Build it Back ID: APP-002957

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2509-A
PREMISES: 987 OLYMPIA BOULEVARD, Staten Island
Block 3797, Lot 32
Build it Back ID: APP-003315

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2510-A
PREMISES: 989 OLYMPIA BOULEVARD, Staten Island
Block 3797, Lot 33
Build it Back ID: APP-006764

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2511-A
PREMISES: 566 HUNTER AVENUE, Staten Island
Block 3797, Lot 27
Build it Back ID: APP-007475

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2512-A
PREMISES: 29B MAPLETON AVENUE, Staten Island
Block 3797, Lot 5
Build it Back ID: APP-009703

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2513-A
PREMISES: 37 MAPLETON AVENUE, Staten Island
Block 3797, Lot 1
Build it Back ID: APP-020543

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2514-A
PREMISES: 33 MAPLETON AVENUE, Staten Island
Block 3797, Lot 4
Build it Back ID: APP-024073

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2515-A**
PREMISES: **198 FREEBORN STREET, Staten Island**
Block 3797, Lot 7
Build it Back ID: **APP-025668**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2516-A
PREMISES: 993 OLYMPIA BOULEVARD, Staten Island
Block 3797, Lot 35
Build it Back ID: APP-000454

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2517-A
PREMISES: 991 OLYMPIA BOULEVARD, Staten Island
Block 3797, Lot 34
Build it Back ID: APP-003792

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2518-A
PREMISES: 29 MAPLETON AVENUE, Staten Island
Block 3797, Lot 5
Build it Back ID: APP-024926

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2519-A
PREMISES: 820 NUGENT AVENUE, Staten Island
Block 3798, Lot 18
Build it Back ID: APP-001659

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2520-A
PREMISES: 830 NUGENT AVENUE, Staten Island
Block 3798, Lot 12
Build it Back ID: APP-002880

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2521-A
PREMISES: 816 NUGENT AVENUE, Staten Island
Block 3798, Lot 20
Build it Back ID: APP-012459

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2522-A
PREMISES: 824 NUGENT AVENUE, Staten Island
Block 3798, Lot 15
Build it Back ID: APP-012844

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2523-A
PREMISES: 189 GRIMSBY STREET, Staten Island
Block 3798, Lot 46
Build it Back ID: APP-013112

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2524-A**
PREMISES: **175 GRIMSBY STREET, Staten Island**
Block 3798, Lot 139
Build it Back ID: **APP-013537**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2525-A
PREMISES: 193 GRIMSBY STREET, Staten Island
Block 3798, Lot 48
Build it Back ID: APP-013885

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2526-A
PREMISES: 187 GRIMSBY STREET, Staten Island
Block 3798, Lot 45
Build it Back ID: APP-014772

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2527-A
PREMISES: 822 NUGENT AVENUE, Staten Island
Block 3798, Lot 17
Build it Back ID: APP-015469

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2528-A
PREMISES: 171 GRIMSBY STREET, Staten Island
Block 3798, Lot 38
Build it Back ID: APP-016050

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2529-A
PREMISES: 173 GRIMSBY STREET, Staten Island
Block 3798, Lot 138
Build it Back ID: APP-019201

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2530-A
PREMISES: 810 NUGENT AVENUE, Staten Island
Block 3798, Lot 23
Build it Back ID: APP-019487

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2531-A
PREMISES: 179 GRIMSBY STREET, Staten Island
Block 3798, Lot 141
Build it Back ID: APP-023789

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2532-A
PREMISES: 814 NUGENT AVENUE, Staten Island
Block 3798, Lot 21
Build it Back ID: APP-006327

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2533-A**
PREMISES: **14 MAPLETON AVENUE, Staten Island**
Block 3799, Lot 44
Build it Back ID: **APP-003376**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2534-A
PREMISES: 138 GRIMSBY STREET, Staten Island
Block 3799, Lot 39
Build it Back ID: APP-005030

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2535-A
PREMISES: 16 MAPLETON AVENUE, Staten Island
Block 3799, Lot 45
Build it Back ID: APP-006047

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2536-A
PREMISES: 178 GRIMSBY STREET, Staten Island
Block 3799, Lot 20
Build it Back ID: APP-011005

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2537-A
PREMISES: 255 FREEBORN STREET, Staten Island
Block 3799, Lot 17
Build it Back ID: APP-012204

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2538-A
PREMISES: 180 GRIMSBY STREET, Staten Island
Block 3799, Lot 19
Build it Back ID: APP-012468

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2539-A**
PREMISES: **176 GRIMSBY STREET, Staten Island**
Block 3799, Lot 21
Build it Back ID: **APP-012523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2540-A
PREMISES: 12 MAPLETON AVENUE, Staten Island
Block 3799, Lot 42
Build it Back ID: APP-017309

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2541-A
PREMISES: 182 GRIMSBY STREET, Staten Island
Block 3799, Lot 17
Build it Back ID: APP-012340

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2542-A
PREMISES: 217 FREEBORN STREET, Staten Island
Block 3799, Lot 46
Build it Back ID: APP-004745

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2543-A
PREMISES: 15 HEMPSTEAD AVENUE, Staten Island
Block 3800, Lot 3
Build it Back ID: APP-002420

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEMPSTEAD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2544-A**
PREMISES: **1025 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 34
Build it Back ID: **APP-002878**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2545-A**
PREMISES: **1021 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 32
Build it Back ID: **APP-004202**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2546-A**
PREMISES: **1029 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 36
Build it Back ID: **APP-005550**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2547-A
PREMISES: 1017 OLYMPIA BOULEVARD, Staten Island
Block 3800, Lot 29
Build it Back ID: APP-008679

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2548-A**
PREMISES: **1033 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 38
Build it Back ID: **APP-009204**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2549-A
PREMISES: 1027 OLYMPIA BOULEVARD, Staten Island
Block 3800, Lot 35
Build it Back ID: APP-015095

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2550-A**
PREMISES: **1035 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 39
Build it Back ID: **APP-016463**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2551-A
PREMISES: 1031 OLYMPIA BOULEVARD, Staten Island
Block 3800, Lot 37
Build it Back ID: APP-019873

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2552-A**
PREMISES: **1025 OLYMPIA BOULEVARD, Staten Island**
Block 3800, Lot 34
Build it Back ID: **APP-008680**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2553-A**
PREMISES: **1055 OLYMPIA BOULEVARD, Staten Island**
Block 3801, Lot 32
Build it Back ID: **APP-004453**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2554-A
PREMISES: 982 OLYMPIA BOULEVARD, Staten Island
Block 3805, Lot 28
Build it Back ID: APP-005517

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2555-A
PREMISES: 57 MAPLETON AVENUE, Staten Island
Block 3805, Lot 1
Build it Back ID: APP-008860

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2556-A**
PREMISES: **1000 OLYMPIA BOULEVARD, Staten Island**
Block 3805, Lot 7
Build it Back ID: **APP-018786**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2557-A
PREMISES: 980 OLYMPIA BOULEVARD, Staten Island
Block 3805, Lot 32
Build it Back ID: APP-022696

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2558-A
PREMISES: 998 OLYMPIA BOULEVARD, Staten Island
Block 3805, Lot 8
Build it Back ID: APP-005971

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2559-A
PREMISES: 994 OLYMPIA BOULEVARD, Staten Island
Block 3805, Lot 10
Build it Back ID: APP-007334

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2560-A
PREMISES: 185 COLONY AVENUE, Staten Island
Block 3805, Lot 21
Build it Back ID: APP-000281

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2561-A
PREMISES: 179 COLONY AVENUE, Staten Island
Block 3805, Lot 46
Build it Back ID: APP-002949

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2562-A
PREMISES: 183 COLONY AVENUE, Staten Island
Block 3805, Lot 19
Build it Back ID: APP-004520

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2563-A
PREMISES: 986 OLYMPIA BOULEVARD, Staten Island
Block 3805, Lot 12
Build it Back ID: APP-024708

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2564-A**
PREMISES: **69 MAPLETON AVENUE, Staten Island**
Block 3806, Lot 6
Build it Back ID: **APP-000283**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2565-A
PREMISES: 121 BADEN PLACE, Staten Island
Block 3806, Lot 36
Build it Back ID: APP-000968

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2566-A
PREMISES: 200 COLONY AVENUE, Staten Island
Block 3806, Lot 9
Build it Back ID: APP-002820

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2567-A
PREMISES: 174 COLONY AVENUE, Staten Island
Block 3806, Lot 20
Build it Back ID: APP-003088

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2568-A
PREMISES: 123 BADEN PLACE, Staten Island
Block 3806, Lot 37
Build it Back ID: APP-003420

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2569-A
PREMISES: 67 MAPLETON AVENUE, Staten Island
Block 3806, Lot 7
Build it Back ID: APP-008797

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2570-A
PREMISES: 107 BADEN PLACE, Staten Island
Block 3806, Lot 29
Build it Back ID: APP-008853

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2571-A
PREMISES: 111A BADEN PLACE, Staten Island
Block 3806, Lot 30
Build it Back ID: APP-009040

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2572-A
PREMISES: 198 COLONY AVENUE, Staten Island
Block 3806, Lot 10
Build it Back ID: APP-010919

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2573-A
PREMISES: 188 COLONY AVENUE, Staten Island
Block 3806, Lot 14
Build it Back ID: APP-011485

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2574-A
PREMISES: 600 HUNTER AVENUE, Staten Island
Block 3806, Lot 21
Build it Back ID: APP-013259

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2575-A**
PREMISES: **71 MAPLETON AVENUE, Staten Island**
Block 3806, Lot 5
Build it Back ID: **APP-021319**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2576-A
PREMISES: 115 BADEN PLACE, Staten Island
Block 3806, Lot 33
Build it Back ID: APP-004857

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2577-A
PREMISES: 190 COLONY AVENUE, Staten Island
Block 3806, Lot 13
Build it Back ID: APP-010236

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2578-A
PREMISES: 192 COLONY AVENUE, Staten Island
Block 3806, Lot 12
Build it Back ID: APP-011492

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2579-A**
PREMISES: **110 BADEN PLACE, Staten Island**
Block 3807, Lot 18
Build it Back ID: **APP-001322**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2580-A**
PREMISES: **114 BADEN PLACE, Staten Island**
Block 3807, Lot 16
Build it Back ID: **APP-001365**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2581-A
PREMISES: 741 PATTERSON AVENUE, Staten Island
Block 3807, Lot 31
Build it Back ID: APP-002098

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2582-A
PREMISES: 108 BADEN PLACE, Staten Island
Block 3807, Lot 17
Build it Back ID: APP-005694

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2583-A
PREMISES: 743 PATTERSON AVENUE, Staten Island
Block 3807, Lot 33
Build it Back ID: APP-007782

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2584-A**
PREMISES: **751 PATTERSON AVENUE, Staten Island**
Block 3807, Lot 36
Build it Back ID: **APP-010969**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2585-A
PREMISES: 765 PATTERSON AVENUE, Staten Island
Block 3807, Lot 1
Build it Back ID: APP-011256

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2586-A
PREMISES: 753 PATTERSON AVENUE, Staten Island
Block 3807, Lot 37
Build it Back ID: APP-011512

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2587-A
PREMISES: 749 PATTERSON AVENUE, Staten Island
Block 3807, Lot 35
Build it Back ID: APP-011517

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2588-A
PREMISES: 763 PATTERSON AVENUE, Staten Island
Block 3807, Lot 39
Build it Back ID: APP-014354

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2589-A**
PREMISES: **761 PATTERSON AVENUE, Staten Island**
Block 3807, Lot 38
Build it Back ID: **APP-015682**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2590-A
PREMISES: 122 BADEN PLACE, Staten Island
Block 3807, Lot 12
Build it Back ID: APP-015683

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2591-A
PREMISES: 747 PATTERSON AVENUE, Staten Island
Block 3807, Lot 34
Build it Back ID: APP-023889

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2592-A**
PREMISES: **733 PATTERSON AVENUE, Staten Island**
Block 3807, Lot 28
Build it Back ID: **APP-002614**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2593-A
PREMISES: 116 BADEN PLACE, Staten Island
Block 3807, Lot 15
Build it Back ID: APP-005572

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2594-A
PREMISES: 624 HUNTER AVENUE, Staten Island
Block 3807, Lot 20
Build it Back ID: APP-025137

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2595-A**
PREMISES: **1038 OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 13
Build it Back ID: **APP-001963**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2596-A
PREMISES: 227 COLONY AVENUE, Staten Island
Block 3808, Lot 137
Build it Back ID: APP-003622

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2597-A
PREMISES: 233 COLONY AVENUE, Staten Island
Block 3808, Lot 41
Build it Back ID: APP-004982

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2598-A**
PREMISES: **1036 OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 14
Build it Back ID: **APP-005875**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2599-A
PREMISES: 215 COLONY AVENUE, Staten Island
Block 3808, Lot 32
Build it Back ID: APP-007777

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2600-A
PREMISES: 235 COLONY AVENUE, Staten Island
Block 3808, Lot 42
Build it Back ID: APP-008276

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2601-A
PREMISES: 229 COLONY AVENUE, Staten Island
Block 3808, Lot 138
Build it Back ID: APP-008649

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2602-A
PREMISES: 223 COLONY AVENUE, Staten Island
Block 3808, Lot 36
Build it Back ID: APP-009372

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2603-A**
PREMISES: **1032 OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 16
Build it Back ID: **APP-009806**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2604-A**
PREMISES: **1034 OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 15
Build it Back ID: **APP-009807**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2605-A**
PREMISES: **1024B OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 20
Build it Back ID: **APP-016058**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2606-A
PREMISES: 245 COLONY AVENUE, Staten Island
Block 3808, Lot 1
Build it Back ID: APP-018597

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2607-A
PREMISES: 239 COLONY AVENUE, Staten Island
Block 3808, Lot 44
Build it Back ID: APP-007958

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2608-A**
PREMISES: **1024A OLYMPIA BOULEVARD, Staten Island**
Block 3808, Lot 20
Build it Back ID: **APP-016057**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2609-A
PREMISES: 1028 OLYMPIA BOULEVARD, Staten Island
Block 3808, Lot 18
Build it Back ID: APP-016236

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2610-A
PREMISES: 234 COLONY AVENUE, Staten Island
Block 3809, Lot 14
Build it Back ID: APP-002079

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2611-A
PREMISES: 212 COLONY AVENUE, Staten Island
Block 3809, Lot 24
Build it Back ID: APP-002290

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2612-A
PREMISES: 151 BADEN PLACE, Staten Island
Block 3809, Lot 34
Build it Back ID: APP-002842

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2613-A
PREMISES: 232 COLONY AVENUE, Staten Island
Block 3809, Lot 15
Build it Back ID: APP-003364

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2614-A**
PREMISES: **222 COLONY AVENUE, Staten Island**
Block 3809, Lot 119
Build it Back ID: **APP-003814**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2615-A
PREMISES: 226 COLONY AVENUE, Staten Island
Block 3809, Lot 17
Build it Back ID: APP-004057

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2616-A
PREMISES: 153 BADEN PLACE, Staten Island
Block 3809, Lot 35
Build it Back ID: APP-004705

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2617-A
PREMISES: 155 BADEN PLACE, Staten Island
Block 3809, Lot 36
Build it Back ID: APP-005162

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2618-A
PREMISES: 163 BADEN PLACE, Staten Island
Block 3809, Lot 40
Build it Back ID: APP-007662

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2619-A
PREMISES: 240 COLONY AVENUE, Staten Island
Block 3809, Lot 9
Build it Back ID: APP-011496

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2620-A
PREMISES: 64 MAPLETON AVENUE, Staten Island
Block 3809, Lot 26
Build it Back ID: APP-013838

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2621-A**
PREMISES: **74 MAPLETON AVENUE, Staten Island**
Block 3809, Lot 30
Build it Back ID: **APP-022593**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2622-A
PREMISES: 169 BADEN PLACE, Staten Island
Block 3809, Lot 43
Build it Back ID: APP-001094

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2623-A**
PREMISES: **167 BADEN PLACE, Staten Island**
Block 3809, Lot 41
Build it Back ID: **APP-016165**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2624-A
PREMISES: 783 PATTERSON AVENUE, Staten Island
Block 3810, Lot 35
Build it Back ID: APP-000623

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2625-A
PREMISES: 791 PATTERSON AVENUE, Staten Island
Block 3810, Lot 39
Build it Back ID: APP-000683

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2626-A
PREMISES: 785 PATTERSON AVENUE, Staten Island
Block 3810, Lot 36
Build it Back ID: APP-003666

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2627-A**
PREMISES: **172 BADEN PLACE, Staten Island**
Block 3810, Lot 9
Build it Back ID: **APP-003890**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2628-A
PREMISES: 140 BADEN PLACE, Staten Island
Block 3810, Lot 25
Build it Back ID: APP-004560

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2629-A
PREMISES: 787 PATTERSON AVENUE, Staten Island
Block 3810, Lot 37
Build it Back ID: APP-004573

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2630-A**
PREMISES: **775 PATTERSON AVENUE, Staten Island**
Block 3810, Lot 32
Build it Back ID: **APP-004734**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2631-A
PREMISES: 150 BADEN PLACE, Staten Island
Block 3810, Lot 22
Build it Back ID: APP-004854

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2632-A
PREMISES: 162 BADEN PLACE, Staten Island
Block 3810, Lot 15
Build it Back ID: APP-004902

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2633-A
PREMISES: 789 PATTERSON AVENUE, Staten Island
Block 3810, Lot 38
Build it Back ID: APP-005546

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2634-A
PREMISES: 773 PATTERSON AVENUE, Staten Island
Block 3810, Lot 31
Build it Back ID: APP-006114

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2635-A
PREMISES: 154 BADEN PLACE, Staten Island
Block 3810, Lot 19
Build it Back ID: APP-006248

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2636-A
PREMISES: 152 BADEN PLACE, Staten Island
Block 3810, Lot 20
Build it Back ID: APP-007990

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2637-A
PREMISES: 156 BADEN PLACE, Staten Island
Block 3810, Lot 18
Build it Back ID: APP-009070

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2638-A**
PREMISES: **88 MAPLETON AVENUE, Staten Island**
Block 3810, Lot 126
Build it Back ID: **APP-010131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLETON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2639-A
PREMISES: 771 PATTERSON AVENUE, Staten Island
Block 3810, Lot 30
Build it Back ID: APP-010913

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2640-A
PREMISES: 142 BADEN PLACE, Staten Island
Block 3810, Lot 24
Build it Back ID: APP-012075

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2641-A
PREMISES: 166 BADEN PLACE, Staten Island
Block 3810, Lot 13
Build it Back ID: APP-013991

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2642-A
PREMISES: 160 BADEN PLACE, Staten Island
Block 3810, Lot 16
Build it Back ID: APP-018543

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2643-A**
PREMISES: **144 BADEN PLACE, Staten Island**
Block 3810, Lot 23
Build it Back ID: **APP-022076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2644-A**
PREMISES: **77 HEMPSTEAD AVENUE, Staten Island**
Block 3810, Lot 1
Build it Back ID: **APP-023426**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEMPSTEAD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2645-A
PREMISES: 801 PATTERSON AVENUE, Staten Island
Block 3810, Lot 1
Build it Back ID: APP-023504

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-2646-A
PREMISES: 799 PATTERSON AVENUE, Staten Island
Block 3810, Lot 42
Build it Back ID: APP-025310

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda 5
Negative 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2648-A**
PREMISES: **781 PATTERSON AVENUE, Staten Island**
Block 3810, Lot 34
Build it Back ID: **APP-011381**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2649-A**
PREMISES: **168 BADEN PLACE, Staten Island**
Block 3810, Lot 12
Build it Back ID: **APP-012309**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2650-A**
PREMISES: **158 BADEN PLACE, Staten Island**
Block 3810, Lot 17
Build it Back ID: **APP-018542**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2651-A**
PREMISES: **793 PATTERSON AVENUE, Staten Island**
Block 3810, Lot 40
Build it Back ID: **APP-021222**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2652-A**
PREMISES: **797 PATTERSON AVENUE, Staten Island**
Block 3810, Lot 42
Build it Back ID: **APP-024665**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2653-A**
PREMISES: **263 COLONY AVENUE, Staten Island**
Block 3811, Lot 21
Build it Back ID: **APP-002617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2654-A**
PREMISES: **1056 OLYMPIA BOULEVARD, Staten Island**
Block 3811, Lot 13
Build it Back ID: **APP-011863**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2655-A**
PREMISES: **265 COLONY AVENUE, Staten Island**
Block 3811, Lot 22
Build it Back ID: **APP-018511**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2656-A**
PREMISES: **267 COLONY AVENUE, Staten Island**
Block 3811, Lot 23
Build it Back ID: **APP-019846**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2657-A**
PREMISES: **1054 OLYMPIA BOULEVARD, Staten Island**
Block 3811, Lot 14
Build it Back ID: **APP-023408**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2658-A**
PREMISES: **1060 OLYMPIA BOULEVARD, Staten Island**
Block 3811, Lot 11
Build it Back ID: **APP-025597**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2659-A**
PREMISES: **56 HEMPSTEAD AVENUE, Staten Island**
Block 3812, Lot 23
Build it Back ID: **APP-004832**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEMPSTEAD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2660-A**
PREMISES: **266L COLONY AVENUE, Staten Island**
Block 3812, Lot 12
Build it Back ID: **APP-021780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2661-A**
PREMISES: **60 HEMPSTEAD AVENUE, Staten Island**
Block 3813, Lot 13
Build it Back ID: **APP-014890**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEMPSTEAD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2662-A**
PREMISES: **853 PATTERSON AVENUE, Staten Island**
Block 3816, Lot 30
Build it Back ID: **APP-005339**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2663-A**
PREMISES: **851 PATTERSON AVENUE, Staten Island**
Block 3816, Lot 29
Build it Back ID: **APP-005695**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2664-A**
PREMISES: **855 PATTERSON AVENUE, Staten Island**
Block 3816, Lot 31
Build it Back ID: **APP-007507**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2665-A**
PREMISES: **849 PATTERSON AVENUE, Staten Island**
Block 3816, Lot 28
Build it Back ID: **APP-008662**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2666-A**
PREMISES: **257 MORELAND STREET, Staten Island**
Block 3817, Lot 36
Build it Back ID: **APP-012008**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2667-A**
PREMISES: **261 MORELAND STREET, Staten Island**
Block 3817, Lot 38
Build it Back ID: **APP-021128**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2668-A**
PREMISES: **257 KISWICK STREET, Staten Island**
Block 3818, Lot 36
Build it Back ID: **APP-001375**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2669-A**
PREMISES: **253 KISWICK STREET, Staten Island**
Block 3818, Lot 35
Build it Back ID: **APP-002028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2670-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2670-A**
PREMISES: **262 MORELAND STREET, Staten Island**
Block 3818, Lot 14
Build it Back ID: **APP-009236**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2671-A**
PREMISES: **252 MORELAND STREET, Staten Island**
Block 3818, Lot 19
Build it Back ID: **APP-005426**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MORELAND STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2672-A**
PREMISES: **915 NUGENT AVENUE, Staten Island**
Block 3819, Lot 42
Build it Back ID: **APP-002680**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2673-A**
PREMISES: **899 NUGENT AVENUE, Staten Island**
Block 3819, Lot 33
Build it Back ID: **APP-011452**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2674-A**
PREMISES: **911 NUGENT AVENUE, Staten Island**
Block 3819, Lot 40
Build it Back ID: **APP-011539**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2675-A**
PREMISES: **508 LINCOLN AVENUE, Staten Island**
Block 3819, Lot 31
Build it Back ID: **APP-013568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2676-A**
PREMISES: **925 NUGENT AVENUE, Staten Island**
Block 3819, Lot 1
Build it Back ID: **APP-021752**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2677-A**
PREMISES: **901 NUGENT AVENUE, Staten Island**
Block 3819, Lot 34
Build it Back ID: **APP-018676**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2678-A**
PREMISES: **907 NUGENT AVENUE, Staten Island**
Block 3819, Lot 36
Build it Back ID: **APP-019207**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2679-A**
PREMISES: **305 KISWICK STREET, Staten Island**
Block 3821, Lot 48
Build it Back ID: **APP-022685**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2680-A**
PREMISES: **508 GREELEY AVENUE, Staten Island**
Block 3822, Lot 38
Build it Back ID: **APP-025085**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2681-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2681-A**
PREMISES: **659 QUINCY AVENUE, Staten Island**
Block 3834, Lot 5
Build it Back ID: **APP-003825**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2682-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2682-A**
PREMISES: **651 QUINCY AVENUE, Staten Island**
Block 3834, Lot 1
Build it Back ID: **APP-007261**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2683-A**
PREMISES: **663 QUINCY AVENUE, Staten Island**
Block 3834, Lot 7
Build it Back ID: **APP-012104**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2684-A**
PREMISES: **667 QUINCY AVENUE, Staten Island**
Block 3834, Lot 9
Build it Back ID: **APP-013123**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2685-A**
PREMISES: **725A BUEL AVENUE, Staten Island**
Block 3837, Lot 8
Build it Back ID: **APP-000951**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2686-A**
PREMISES: **604 QUINCY AVENUE, Staten Island**
Block 3837, Lot 19
Build it Back ID: **APP-001438**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2687-A**
PREMISES: **606 QUINCY AVENUE, Staten Island**
Block 3837, Lot 17
Build it Back ID: **APP-006600**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2688-A**
PREMISES: **723 BUEL AVENUE, Staten Island**
Block 3837, Lot 108
Build it Back ID: **APP-010997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2689-A**
PREMISES: **708 LIBERTY AVENUE, Staten Island**
Block 3837, Lot 25
Build it Back ID: **APP-016423**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LIBERTY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2690-A**
PREMISES: **725B BUEL AVENUE, Staten Island**
Block 3837, Lot 7
Build it Back ID: **APP-019567**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2691-A**
PREMISES: **725C BUEL AVENUE, Staten Island**
Block 3837, Lot 6
Build it Back ID: **APP-020312**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2692-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2692-A**
PREMISES: **628 QUINCY AVENUE, Staten Island**
Block 3838, Lot 14
Build it Back ID: **APP-005225**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2693-A**
PREMISES: **632 QUINCY AVENUE, Staten Island**
Block 3838, Lot 12
Build it Back ID: **APP-022847**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2694-A**
PREMISES: **660 QUINCY AVENUE, Staten Island**
Block 3839, Lot 11
Build it Back ID: **APP-009557**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2695-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2695-A**
PREMISES: **662 QUINCY AVENUE, Staten Island**
Block 3839, Lot 9
Build it Back ID: **APP-011493**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2696-A**
PREMISES: **663 JEFFERSON AVENUE, Staten Island**
Block 3860, Lot 26
Build it Back ID: **APP-010921**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JEFFERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2697-A**
PREMISES: **653 HUNTER AVENUE, Staten Island**
Block 3861, Lot 110
Build it Back ID: **APP-011751**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2698-A**
PREMISES: **12 JASON COURT, Staten Island**
Block 3871, Lot 12
Build it Back ID: **APP-004515**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JASON COURT within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2699-A**
PREMISES: **736 PATTERSON AVENUE, Staten Island**
Block 3871, Lot 17
Build it Back ID: **APP-006403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2700-A**
PREMISES: **754 PATTERSON AVENUE, Staten Island**
Block 3871, Lot 7
Build it Back ID: **APP-007967**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2701-A**
PREMISES: **752 PATTERSON AVENUE, Staten Island**
Block 3871, Lot 9
Build it Back ID: **APP-008369**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2702-A**
PREMISES: **750 PATTERSON AVENUE, Staten Island**
Block 3871, Lot 10
Build it Back ID: **APP-013024**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2703-A**
PREMISES: **828 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 68
Build it Back ID: **APP-004183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2704-A**
PREMISES: **830 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 69
Build it Back ID: **APP-013738**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2705-A**
PREMISES: **824 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 5
Build it Back ID: **APP-013770**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2706-A**
PREMISES: **808 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 12
Build it Back ID: **APP-015099**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2707-A**
PREMISES: **826 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 67
Build it Back ID: **APP-018690**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2708-A**
PREMISES: **820 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 5
Build it Back ID: **APP-007865**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2709-A**
PREMISES: **774 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 28
Build it Back ID: **APP-015504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2710-A**
PREMISES: **776 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 28
Build it Back ID: **APP-015507**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2711-A**
PREMISES: **816-818 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 8
Build it Back ID: **APP-001924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2712-A**
PREMISES: **770 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 28
Build it Back ID: **APP-003556**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2713-A**
PREMISES: **806 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 12
Build it Back ID: **APP-015097**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2714-A**
PREMISES: **261 GRIMSBY STREET, Staten Island**
Block 3881, Lot 40
Build it Back ID: **APP-002895**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2715-A**
PREMISES: **529 GREELEY AVENUE, Staten Island**
Block 3881, Lot 1
Build it Back ID: **APP-005466**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2716-A**
PREMISES: **904 NUGENT AVENUE, Staten Island**
Block 3881, Lot 20
Build it Back ID: **APP-005474**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2717-A**
PREMISES: **251 GRIMSBY STREET, Staten Island**
Block 3881, Lot 35
Build it Back ID: **APP-005703**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2718-A**
PREMISES: **914 NUGENT AVENUE, Staten Island**
Block 3881, Lot 14
Build it Back ID: **APP-005715**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2719-A**
PREMISES: **910 NUGENT AVENUE, Staten Island**
Block 3881, Lot 16
Build it Back ID: **APP-012460**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2720-A**
PREMISES: **918 NUGENT AVENUE, Staten Island**
Block 3881, Lot 12
Build it Back ID: **APP-020423**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2721-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2721-A**
PREMISES: **267 GRIMSBY STREET, Staten Island**
Block 3881, Lot 43
Build it Back ID: **APP-000571**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2722-A**
PREMISES: **255 GRIMSBY STREET, Staten Island**
Block 3881, Lot 37
Build it Back ID: **APP-005707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2723-A**
PREMISES: **323 FREEBORN STREET, Staten Island**
Block 3882, Lot 36
Build it Back ID: **APP-006541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2724-A**
PREMISES: **266 GRIMSBY STREET, Staten Island**
Block 3882, Lot 12
Build it Back ID: **APP-017483**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2725-A**
PREMISES: **248 GRIMSBY STREET, Staten Island**
Block 3882, Lot 22
Build it Back ID: **APP-020985**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2726-A**
PREMISES: **545 GREELEY AVENUE, Staten Island**
Block 3882, Lot 1
Build it Back ID: **APP-005318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2727-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2727-A**
PREMISES: **333 FREEBORN STREET, Staten Island**
Block 3882, Lot 42
Build it Back ID: **APP-006353**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2728-A**
PREMISES: **337 FREEBORN STREET, Staten Island**
Block 3882, Lot 43
Build it Back ID: **APP-011545**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2729-A**
PREMISES: **530 LINCOLN AVENUE, Staten Island**
Block 3882, Lot 24
Build it Back ID: **APP-011767**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2730-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2730-A**
PREMISES: **325 FREEBORN STREET, Staten Island**
Block 3882, Lot 38
Build it Back ID: **APP-013387**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2731-A**
PREMISES: **336 FREEBORN STREET, Staten Island**
Block 3883, Lot 14
Build it Back ID: **APP-001142**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2732-A**
PREMISES: **330 FREEBORN STREET, Staten Island**
Block 3883, Lot 18
Build it Back ID: **APP-001175**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2733-A**
PREMISES: **326 FREEBORN STREET, Staten Island**
Block 3883, Lot 20
Build it Back ID: **APP-002292**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2734-A**
PREMISES: **565 GREELEY AVENUE, Staten Island**
Block 3883, Lot 2
Build it Back ID: **APP-004196**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2735-A**
PREMISES: **1151 OLYMPIA BOULEVARD, Staten Island**
Block 3883, Lot 1
Build it Back ID: **APP-010835**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2736-A**
PREMISES: **334 FREEBORN STREET, Staten Island**
Block 3883, Lot 16
Build it Back ID: **APP-012419**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2737-A**
PREMISES: **1145 OLYMPIA BOULEVARD, Staten Island**
Block 3883, Lot 43
Build it Back ID: **APP-003454**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2738-A**
PREMISES: **1147 OLYMPIA BOULEVARD, Staten Island**
Block 3883, Lot 45
Build it Back ID: **APP-005118**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2739-A**
PREMISES: **1137 OLYMPIA BOULEVARD, Staten Island**
Block 3883, Lot 40
Build it Back ID: **APP-007716**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2740-A**
PREMISES: **571 GREELEY AVENUE, Staten Island**
Block 3884, Lot 9
Build it Back ID: **APP-000399**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2741-A**
PREMISES: **1142 OLYMPIA BOULEVARD, Staten Island**
Block 3884, Lot 15
Build it Back ID: **APP-003478**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2742-A**
PREMISES: **333 COLONY AVENUE, Staten Island**
Block 3884, Lot 40
Build it Back ID: **APP-003681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2743-A**
PREMISES: **319 COLONY AVENUE, Staten Island**
Block 3884, Lot 28
Build it Back ID: **APP-010194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2744-A**
PREMISES: **587 GREELEY AVENUE, Staten Island**
Block 3884, Lot 1
Build it Back ID: **APP-010900**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2745-A**
PREMISES: **1144 OLYMPIA BOULEVARD, Staten Island**
Block 3884, Lot 14
Build it Back ID: **APP-003785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2746-A**
PREMISES: **1146 OLYMPIA BOULEVARD, Staten Island**
Block 3884, Lot 12
Build it Back ID: **APP-002777**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2747-A**
PREMISES: **367 GRIMSBY STREET, Staten Island**
Block 3885, Lot 42
Build it Back ID: **APP-003268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2748-A**
PREMISES: **379 GRIMSBY STREET, Staten Island**
Block 3885, Lot 47
Build it Back ID: **APP-014925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2749-A**
PREMISES: **371 GRIMSBY STREET, Staten Island**
Block 3885, Lot 44
Build it Back ID: **APP-018022**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2750-A**
PREMISES: **369 GRIMSBY STREET, Staten Island**
Block 3885, Lot 43
Build it Back ID: **APP-021462**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2751-A**
PREMISES: **361 GRIMSBY STREET, Staten Island**
Block 3885, Lot 40
Build it Back ID: **APP-023393**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2752-A**
PREMISES: **375 GRIMSBY STREET, Staten Island**
Block 3885, Lot 46
Build it Back ID: **APP-009582**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2753-A**
PREMISES: **528 GREELEY AVENUE, Staten Island**
Block 3885, Lot 37
Build it Back ID: **APP-015610**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2754-A**
PREMISES: **510 GREELEY AVENUE, Staten Island**
Block 3885, Lot 29
Build it Back ID: **APP-022857**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2755-A**
PREMISES: **384 GRIMSBY STREET, Staten Island**
Block 3886, Lot 16
Build it Back ID: **APP-000928**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2756-A**
PREMISES: **350 GRIMSBY STREET, Staten Island**
Block 3886, Lot 29
Build it Back ID: **APP-001386**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2757-A**
PREMISES: **357 FREEBORN STREET, Staten Island**
Block 3886, Lot 38
Build it Back ID: **APP-001773**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2758-A**
PREMISES: **360 GRIMSBY STREET, Staten Island**
Block 3886, Lot 27
Build it Back ID: **APP-004875**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2759-A**
PREMISES: **381 FREEBORN STREET, Staten Island**
Block 3886, Lot 52
Build it Back ID: **APP-007375**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2760-A**
PREMISES: **386 GRIMSBY STREET, Staten Island**
Block 3886, Lot 14
Build it Back ID: **APP-008905**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2761-A**
PREMISES: **361 FREEBORN STREET, Staten Island**
Block 3886, Lot 40
Build it Back ID: **APP-009707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2762-A**
PREMISES: **368 GRIMSBY STREET, Staten Island**
Block 3886, Lot 24
Build it Back ID: **APP-011502**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2763-A**
PREMISES: **362 GRIMSBY STREET, Staten Island**
Block 3886, Lot 26
Build it Back ID: **APP-015383**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2764-A**
PREMISES: **378 GRIMSBY STREET, Staten Island**
Block 3886, Lot 19
Build it Back ID: **APP-018992**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2765-A**
PREMISES: **353 FREEBORN STREET, Staten Island**
Block 3886, Lot 36
Build it Back ID: **APP-024057**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2766-A**
PREMISES: **379 FREEBORN STREET, Staten Island**
Block 3886, Lot 50
Build it Back ID: **APP-024075**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2767-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2767-A**
PREMISES: **376 GRIMSBY STREET, Staten Island**
Block 3886, Lot 20
Build it Back ID: **APP-001321**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GRIMSBY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2768-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2768-A**
PREMISES: **391 FREEBORN STREET, Staten Island**
Block 3886, Lot 55
Build it Back ID: **APP-012750**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2769-A**
PREMISES: **1205 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 52
Build it Back ID: **APP-000427**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2770-A**
PREMISES: **390 FREEBORN STREET, Staten Island**
Block 3887, Lot 12
Build it Back ID: **APP-000448**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2771-A**
PREMISES: **1211 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 55
Build it Back ID: **APP-003371**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2772-A**
PREMISES: **1209 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 54
Build it Back ID: **APP-003624**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2773-A**
PREMISES: **366 FREEBORN STREET, Staten Island**
Block 3887, Lot 22
Build it Back ID: **APP-003706**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2774-A**
PREMISES: **1203 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 51
Build it Back ID: **APP-005860**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2775-A**
PREMISES: **378 FREEBORN STREET, Staten Island**
Block 3887, Lot 16
Build it Back ID: **APP-007605**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2776-A**
PREMISES: **1191 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 44
Build it Back ID: **APP-008512**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2777-A**
PREMISES: **372 FREEBORN STREET, Staten Island**
Block 3887, Lot 21
Build it Back ID: **APP-008515**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2778-A**
PREMISES: **550 GREELEY AVENUE, Staten Island**
Block 3887, Lot 29
Build it Back ID: **APP-009491**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2779-A**
PREMISES: **1201 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 49
Build it Back ID: **APP-012979**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2780-A**
PREMISES: **1195 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 47
Build it Back ID: **APP-016487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2781-A**
PREMISES: **384 FREEBORN STREET, Staten Island**
Block 3887, Lot 15
Build it Back ID: **APP-018480**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2782-A**
PREMISES: **364 FREEBORN STREET, Staten Island**
Block 3887, Lot 25
Build it Back ID: **APP-020707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2783-A**
PREMISES: **360 FREEBORN STREET, Staten Island**
Block 3887, Lot 27
Build it Back ID: **APP-020815**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FREEBORN STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2784-A**
PREMISES: **1183 OLYMPIA BOULEVARD, Staten Island**
Block 3887, Lot 41
Build it Back ID: **APP-023212**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2785-A**
PREMISES: **564 GREELEY AVENUE, Staten Island**
Block 3887, Lot 37
Build it Back ID: **APP-016277**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2786-A**
PREMISES: **1200 OLYMPIA BOULEVARD, Staten Island**
Block 3888, Lot 18
Build it Back ID: **APP-000688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2787-A**
PREMISES: **373 COLONY AVENUE, Staten Island**
Block 3888, Lot 46
Build it Back ID: **APP-000985**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2788-A**
PREMISES: **377 COLONY AVENUE, Staten Island**
Block 3888, Lot 50
Build it Back ID: **APP-002584**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2789-A**
PREMISES: **375 COLONY AVENUE, Staten Island**
Block 3888, Lot 49
Build it Back ID: **APP-005013**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2790-A**
PREMISES: **588 GREELEY AVENUE, Staten Island**
Block 3888, Lot 38
Build it Back ID: **APP-005461**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2791-A**
PREMISES: **387 COLONY AVENUE, Staten Island**
Block 3888, Lot 56
Build it Back ID: **APP-005886**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2792-A**
PREMISES: **385 COLONY AVENUE, Staten Island**
Block 3888, Lot 54
Build it Back ID: **APP-007698**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2793-A**
PREMISES: **1176 OLYMPIA BOULEVARD, Staten Island**
Block 3888, Lot 29
Build it Back ID: **APP-012297**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2794-A**
PREMISES: **361 COLONY AVENUE, Staten Island**
Block 3888, Lot 41
Build it Back ID: **APP-015950**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2795-A**
PREMISES: **365 COLONY AVENUE, Staten Island**
Block 3888, Lot 43
Build it Back ID: **APP-016767**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2796-A**
PREMISES: **369 COLONY AVENUE, Staten Island**
Block 3888, Lot 45
Build it Back ID: **APP-025681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2797-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2797-A**
PREMISES: **1184 OLYMPIA BOULEVARD, Staten Island**
Block 3888, Lot 23
Build it Back ID: **APP-007400**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2798-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2798-A**
PREMISES: **590 LINCOLN AVENUE, Staten Island**
Block 3889, Lot 18
Build it Back ID: **APP-001748**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2799-A**
PREMISES: **336 COLONY AVENUE, Staten Island**
Block 3889, Lot 7
Build it Back ID: **APP-003574**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2800-A**
PREMISES: **334 COLONY AVENUE, Staten Island**
Block 3889, Lot 9
Build it Back ID: **APP-003602**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2801-A**
PREMISES: **344 COLONY AVENUE, Staten Island**
Block 3889, Lot 2
Build it Back ID: **APP-004417**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2802-A**
PREMISES: **321 BADEN PLACE, Staten Island**
Block 3889, Lot 28
Build it Back ID: **APP-004504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2803-A**
PREMISES: **331 BADEN PLACE, Staten Island**
Block 3889, Lot 33
Build it Back ID: **APP-005263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2804-A**
PREMISES: **340 COLONY AVENUE, Staten Island**
Block 3889, Lot 6
Build it Back ID: **APP-006610**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2805-A**
PREMISES: **318 COLONY AVENUE, Staten Island**
Block 3889, Lot 17
Build it Back ID: **APP-007568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2806-A**
PREMISES: **337 BADEN PLACE, Staten Island**
Block 3889, Lot 36
Build it Back ID: **APP-007710**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2807-A**
PREMISES: **324 COLONY AVENUE, Staten Island**
Block 3889, Lot 14
Build it Back ID: **APP-008688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2808-A**
PREMISES: **604 LINCOLN AVENUE, Staten Island**
Block 3889, Lot 25
Build it Back ID: **APP-009434**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LINCOLN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2809-A**
PREMISES: **342 COLONY AVENUE, Staten Island**
Block 3889, Lot 5
Build it Back ID: **APP-009926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2810-A**
PREMISES: **346 COLONY AVENUE, Staten Island**
Block 3889, Lot 1
Build it Back ID: **APP-011047**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2811-A**
PREMISES: **332 COLONY AVENUE, Staten Island**
Block 3889, Lot 10
Build it Back ID: **APP-012173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2812-A**
PREMISES: **328 COLONY AVENUE, Staten Island**
Block 3889, Lot 12
Build it Back ID: **APP-012577**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2813-A**
PREMISES: **364 COLONY AVENUE, Staten Island**
Block 3891, Lot 14
Build it Back ID: **APP-000289**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2814-A**
PREMISES: **386 COLONY AVENUE, Staten Island**
Block 3891, Lot 3
Build it Back ID: **APP-001316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2815-A**
PREMISES: **361 BADEN PLACE, Staten Island**
Block 3891, Lot 29
Build it Back ID: **APP-002785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2816-A**
PREMISES: **375 BADEN PLACE, Staten Island**
Block 3891, Lot 36
Build it Back ID: **APP-003116**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2817-A**
PREMISES: **377 BADEN PLACE, Staten Island**
Block 3891, Lot 37
Build it Back ID: **APP-003230**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2818-A**
PREMISES: **363 BADEN PLACE, Staten Island**
Block 3891, Lot 30
Build it Back ID: **APP-003644**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2819-A**
PREMISES: **391 BADEN PLACE, Staten Island**
Block 3891, Lot 42
Build it Back ID: **APP-004237**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2820-A**
PREMISES: **365 BADEN PLACE, Staten Island**
Block 3891, Lot 31
Build it Back ID: **APP-007634**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2821-A**
PREMISES: **368 COLONY AVENUE, Staten Island**
Block 3891, Lot 11
Build it Back ID: **APP-011622**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2822-A**
PREMISES: **357 BADEN PLACE, Staten Island**
Block 3891, Lot 28
Build it Back ID: **APP-012641**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2823-A**
PREMISES: **390 COLONY AVENUE, Staten Island**
Block 3891, Lot 1
Build it Back ID: **APP-014190**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2824-A**
PREMISES: **380 COLONY AVENUE, Staten Island**
Block 3891, Lot 5
Build it Back ID: **APP-017237**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2825-A**
PREMISES: **360 COLONY AVENUE, Staten Island**
Block 3891, Lot 16
Build it Back ID: **APP-018473**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2826-A**
PREMISES: **376 COLONY AVENUE, Staten Island**
Block 3891, Lot 8
Build it Back ID: **APP-019011**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLONY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2827-A**
PREMISES: **389 BADEN PLACE, Staten Island**
Block 3891, Lot 41
Build it Back ID: **APP-022425**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2828-A**
PREMISES: **383 BADEN PLACE, Staten Island**
Block 3891, Lot 39
Build it Back ID: **APP-004337**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2829-A**
PREMISES: **351 BADEN PLACE, Staten Island**
Block 3891, Lot 26
Build it Back ID: **APP-014909**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2830-A**
PREMISES: **348 BADEN PLACE, Staten Island**
Block 3893, Lot 25
Build it Back ID: **APP-004294**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2831-A**
PREMISES: **342 BADEN PLACE, Staten Island**
Block 3893, Lot 30
Build it Back ID: **APP-006348**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2832-A**
PREMISES: **328 BADEN PLACE, Staten Island**
Block 3893, Lot 37
Build it Back ID: **APP-008126**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2833-A**
PREMISES: **346 BADEN PLACE, Staten Island**
Block 3893, Lot 27
Build it Back ID: **APP-011374**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2834-A**
PREMISES: **364 BADEN PLACE, Staten Island**
Block 3893, Lot 15
Build it Back ID: **APP-012804**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2835-A**
PREMISES: **370 BADEN PLACE, Staten Island**
Block 3893, Lot 11
Build it Back ID: **APP-014817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2836-A**
PREMISES: **360 BADEN PLACE, Staten Island**
Block 3893, Lot 17
Build it Back ID: **APP-015360**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2837-A**
PREMISES: **332 BADEN PLACE, Staten Island**
Block 3893, Lot 35
Build it Back ID: **APP-021665**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2838-A**
PREMISES: **366 BADEN PLACE, Staten Island**
Block 3893, Lot 13
Build it Back ID: **APP-022060**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2839-A**
PREMISES: **336 BADEN PLACE, Staten Island**
Block 3893, Lot 32
Build it Back ID: **APP-005484**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2840-A**
PREMISES: **316 BADEN PLACE, Staten Island**
Block 3893, Lot 42
Build it Back ID: **APP-005502**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2841-A**
PREMISES: **320 BADEN PLACE, Staten Island**
Block 3893, Lot 40
Build it Back ID: **APP-010450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2842-A**
PREMISES: **324 BADEN PLACE, Staten Island**
Block 3893, Lot 39
Build it Back ID: **APP-013099**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2843-A**
PREMISES: **310 BADEN PLACE, Staten Island**
Block 3893, Lot 45
Build it Back ID: **APP-024671**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BADEN PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2844-A**
PREMISES: **612 GREELEY AVENUE, Staten Island**
Block 3893, Lot 19
Build it Back ID: **APP-021778**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GREELEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2845-A**
PREMISES: **417 OAK AVENUE, Staten Island**
Block 4000, Lot 7
Build it Back ID: **APP-007942**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2846-A**
PREMISES: **409 OAK AVENUE, Staten Island**
Block 4000, Lot 10
Build it Back ID: **APP-019068**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2847-A**
PREMISES: **411 OAK AVENUE, Staten Island**
Block 4000, Lot 9
Build it Back ID: **APP-022296**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2848-A**
PREMISES: **405 OAK AVENUE, Staten Island**
Block 4000, Lot 12
Build it Back ID: **APP-018087**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2849-A**
PREMISES: **515 OAK AVENUE, Staten Island**
Block 4007, Lot 11
Build it Back ID: **APP-003838**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2850-A**
PREMISES: **485 OAK AVENUE, Staten Island**
Block 4007, Lot 25
Build it Back ID: **APP-008700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2851-A**
PREMISES: **481 OAK AVENUE, Staten Island**
Block 4007, Lot 28
Build it Back ID: **APP-014623**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2852-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2852-A**
PREMISES: **477 OAK AVENUE, Staten Island**
Block 4007, Lot 31
Build it Back ID: **APP-014791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2853-A**
PREMISES: **487 OAK AVENUE, Staten Island**
Block 4007, Lot 24
Build it Back ID: **APP-016028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2854-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2854-A**
PREMISES: **511 OAK AVENUE, Staten Island**
Block 4007, Lot 13
Build it Back ID: **APP-021154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2855-A**
PREMISES: **686 TYSENS LANE, Staten Island**
Block 4007, Lot 110
Build it Back ID: **APP-001545**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TYSENS LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2856-A**
PREMISES: **507 FALCON AVENUE, Staten Island**
Block 4017, Lot 30
Build it Back ID: **APP-016476**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FALCON AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2857-A**
PREMISES: **514 FALCON AVENUE, Staten Island**
Block 4021, Lot 15
Build it Back ID: **APP-017825**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FALCON AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2858-A**
PREMISES: **403 AMHERST AVENUE, Staten Island**
Block 4022, Lot 24
Build it Back ID: **APP-023520**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMHERST AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2859-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2859-A**
PREMISES: **514 OAK AVENUE, Staten Island**
Block 4023, Lot 25
Build it Back ID: **APP-000598**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2860-A**
PREMISES: **404 AMHERST AVENUE, Staten Island**
Block 4023, Lot 18
Build it Back ID: **APP-015264**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMHERST AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2861-A**
PREMISES: **453 MILL ROAD, Staten Island**
Block 4025, Lot 5
Build it Back ID: **APP-001194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2862-A**
PREMISES: **457 OLD MILL ROAD, Staten Island**
Block 4025, Lot 4
Build it Back ID: **APP-015042**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLD MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2863-A**
PREMISES: **463 OLD MILL ROAD, Staten Island**
Block 4025, Lot 1
Build it Back ID: **APP-018621**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLD MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2864-A**
PREMISES: **430 STONEHAM STREET, Staten Island**
Block 4030, Lot 16
Build it Back ID: **APP-002048**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2865-A**
PREMISES: **450 STONEHAM STREET, Staten Island**
Block 4030, Lot 14
Build it Back ID: **APP-004652**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2866-A**
PREMISES: **448 STONEHAM STREET, Staten Island**
Block 4030, Lot 8
Build it Back ID: **APP-007762**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2867-A**
PREMISES: **428 MILL ROAD, Staten Island**
Block 4030, Lot 17
Build it Back ID: **APP-012946**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2868-A**
PREMISES: **456 STONEHAM STREET, Staten Island**
Block 4030, Lot 6
Build it Back ID: **APP-013075**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2869-A**
PREMISES: **426 STONEHAM STREET, Staten Island**
Block 4030, Lot 18
Build it Back ID: **APP-015409**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2870-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2870-A**
PREMISES: **440 STONEHAM STREET, Staten Island**
Block 4030, Lot 12
Build it Back ID: **APP-015922**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2871-A**
PREMISES: **452 STONEHAM STREET, Staten Island**
Block 4030, Lot 7
Build it Back ID: **APP-021976**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2872-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2872-A**
PREMISES: **560 NEW DORP LANE, Staten Island**
Block 4033, Lot 118
Build it Back ID: **APP-008848**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2873-A**
PREMISES: **568 NEW DORP LANE, Staten Island**
Block 4033, Lot 123
Build it Back ID: **APP-017022**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2874-A**
PREMISES: **570 NEW DORP LANE, Staten Island**
Block 4033, Lot 124
Build it Back ID: **APP-020322**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2875-A**
PREMISES: **580 NEW DORP LANE, Staten Island**
Block 4035, Lot 107
Build it Back ID: **APP-009931**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2876-A**
PREMISES: **594 NEW DORP LANE, Staten Island**
Block 4035, Lot 112
Build it Back ID: **APP-014721**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2877-A**
PREMISES: **158 MILL ROAD, Staten Island**
Block 4037, Lot 20
Build it Back ID: **APP-015529**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2878-A**
PREMISES: **69 EBBITTS STREET, Staten Island**
Block 4039, Lot 1
Build it Back ID: **APP-000622**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2879-A**
PREMISES: **178 CUBA AVENUE, Staten Island**
Block 4039, Lot 11
Build it Back ID: **APP-003460**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2880-A**
PREMISES: **164 CUBA AVENUE, Staten Island**
Block 4039, Lot 18
Build it Back ID: **APP-003515**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2881-A**
PREMISES: **166 CUBA AVENUE, Staten Island**
Block 4039, Lot 16
Build it Back ID: **APP-008535**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2882-A**
PREMISES: **656 NEW DORP LANE, Staten Island**
Block 4045, Lot 26
Build it Back ID: **APP-002260**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2883-A**
PREMISES: **45 CLAYBOARD STREET, Staten Island**
Block 4047, Lot 1
Build it Back ID: **APP-002658**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CLAYBOARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2884-A**
PREMISES: **184 WEED AVENUE, Staten Island**
Block 4048, Lot 9
Build it Back ID: **APP-000437**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2885-A**
PREMISES: **182 WEED AVENUE, Staten Island**
Block 4048, Lot 12
Build it Back ID: **APP-001444**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2886-A**
PREMISES: **186 WEED AVENUE, Staten Island**
Block 4048, Lot 8
Build it Back ID: **APP-006257**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2887-A**
PREMISES: **188 WEED AVENUE, Staten Island**
Block 4048, Lot 7
Build it Back ID: **APP-010559**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2888-A**
PREMISES: **174 WEED AVENUE, Staten Island**
Block 4048, Lot 16
Build it Back ID: **APP-018925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2889-A**
PREMISES: **176 WEED AVENUE, Staten Island**
Block 4048, Lot 14
Build it Back ID: **APP-020240**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2890-A**
PREMISES: **93 EBBITTS STREET, Staten Island**
Block 4048, Lot 1
Build it Back ID: **APP-025656**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2891-A**
PREMISES: **91 EBBITTS STREET, Staten Island**
Block 4048, Lot 2
Build it Back ID: **APP-003439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2892-A**
PREMISES: **170A WINHAM AVENUE, Staten Island**
Block 4049, Lot 10
Build it Back ID: **APP-000831**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINHAM AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2893-A**
PREMISES: **170 WINHAM AVENUE, Staten Island**
Block 4049, Lot 11
Build it Back ID: **APP-004398**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINHAM AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2894-A**
PREMISES: **111 EBBITTS STREET, Staten Island**
Block 4049, Lot 1
Build it Back ID: **APP-007636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2895-A**
PREMISES: **106 WINHAM AVENUE, Staten Island**
Block 4049, Lot 49
Build it Back ID: **APP-008423**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINHAM AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2896-A**
PREMISES: **117 EBBITTS STREET, Staten Island**
Block 4049, Lot 95
Build it Back ID: **APP-008425**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2897-A**
PREMISES: **119 EBBITTS STREET, Staten Island**
Block 4049, Lot 194
Build it Back ID: **APP-011487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2898-A**
PREMISES: **115 EBBITTS STREET, Staten Island**
Block 4049, Lot 96
Build it Back ID: **APP-011513**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2899-A**
PREMISES: **260 TITUS AVENUE, Staten Island**
Block 4052, Lot 1
Build it Back ID: **APP-000473**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TITUS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2900-A**
PREMISES: **37 ISERNIA AVENUE, Staten Island**
Block 4052, Lot 75
Build it Back ID: **APP-005802**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2901-A**
PREMISES: **247 CUBA AVENUE, Staten Island**
Block 4052, Lot 68
Build it Back ID: **APP-012454**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2902-A**
PREMISES: **225 CUBA AVENUE, Staten Island**
Block 4052, Lot 55
Build it Back ID: **APP-014076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2903-A**
PREMISES: **250 TITUS AVENUE, Staten Island**
Block 4052, Lot 10
Build it Back ID: **APP-015400**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TITUS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2904-A**
PREMISES: **245 CUBA AVENUE, Staten Island**
Block 4052, Lot 67
Build it Back ID: **APP-018517**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2905-A**
PREMISES: **229 CUBA AVENUE, Staten Island**
Block 4052, Lot 58
Build it Back ID: **APP-020464**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2906-A**
PREMISES: **241 CUBA AVENUE, Staten Island**
Block 4052, Lot 64
Build it Back ID: **APP-020601**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2907-A**
PREMISES: **243 CUBA AVENUE, Staten Island**
Block 4052, Lot 66
Build it Back ID: **APP-023353**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2908-A**
PREMISES: **254 TITUS AVENUE, Staten Island**
Block 4052, Lot 6
Build it Back ID: **APP-016223**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TITUS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2909-A**
PREMISES: **230 CUBA AVENUE, Staten Island**
Block 4053, Lot 18
Build it Back ID: **APP-003983**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2910-A**
PREMISES: **201 WEED AVENUE, Staten Island**
Block 4053, Lot 43
Build it Back ID: **APP-004108**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2911-A**
PREMISES: **258 CUBA AVENUE, Staten Island**
Block 4053, Lot 1
Build it Back ID: **APP-004617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2912-A**
PREMISES: **218 CUBA AVENUE, Staten Island**
Block 4053, Lot 24
Build it Back ID: **APP-006004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2913-A**
PREMISES: **261 WEED AVENUE, Staten Island**
Block 4053, Lot 73
Build it Back ID: **APP-006608**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2914-A**
PREMISES: **222 CUBA AVENUE, Staten Island**
Block 4053, Lot 22
Build it Back ID: **APP-010542**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2915-A**
PREMISES: **223 WEED AVENUE, Staten Island**
Block 4053, Lot 54
Build it Back ID: **APP-013129**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2916-A**
PREMISES: **194 CUBA AVENUE, Staten Island**
Block 4053, Lot 36
Build it Back ID: **APP-014936**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2917-A**
PREMISES: **226 CUBA AVENUE, Staten Island**
Block 4053, Lot 20
Build it Back ID: **APP-015688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2918-A**
PREMISES: **66 EBBITTS STREET, Staten Island**
Block 4053, Lot 40
Build it Back ID: **APP-016180**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2919-A**
PREMISES: **59 ISERNIA AVENUE, Staten Island**
Block 4053, Lot 77
Build it Back ID: **APP-018719**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2920-A**
PREMISES: **239 WEED AVENUE, Staten Island**
Block 4053, Lot 63
Build it Back ID: **APP-018976**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2921-A**
PREMISES: **231 WEED AVENUE, Staten Island**
Block 4053, Lot 60
Build it Back ID: **APP-019830**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2922-A**
PREMISES: **254 CUBA AVENUE, Staten Island**
Block 4053, Lot 4
Build it Back ID: **APP-020547**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2923-A**
PREMISES: **250 CUBA AVENUE, Staten Island**
Block 4053, Lot 7
Build it Back ID: **APP-000621**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2924-A**
PREMISES: **234 CUBA AVENUE, Staten Island**
Block 4053, Lot 14
Build it Back ID: **APP-003888**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2925-A**
PREMISES: **205 WEED AVENUE, Staten Island**
Block 4053, Lot 45
Build it Back ID: **APP-005711**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2926-A**
PREMISES: **240 CUBA AVENUE, Staten Island**
Block 4053, Lot 11
Build it Back ID: **APP-014645**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CUBA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2927-A**
PREMISES: **209 WEED AVENUE, Staten Island**
Block 4053, Lot 47
Build it Back ID: **APP-020384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2928-A**
PREMISES: **218 WEED AVENUE, Staten Island**
Block 4054, Lot 22
Build it Back ID: **APP-001700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2929-A**
PREMISES: **35 MANILA PLACE, Staten Island**
Block 4054, Lot 60
Build it Back ID: **APP-001783**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2930-A**
PREMISES: **31 MANILA PLACE, Staten Island**
Block 4054, Lot 58
Build it Back ID: **APP-002330**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2931-A**
PREMISES: **86 EBBITTS STREET, Staten Island**
Block 4054, Lot 36
Build it Back ID: **APP-003684**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2932-A**
PREMISES: **216 WEED AVENUE, Staten Island**
Block 4054, Lot 23
Build it Back ID: **APP-005482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2933-A**
PREMISES: **23 MANILA PLACE, Staten Island**
Block 4054, Lot 53
Build it Back ID: **APP-007208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2934-A**
PREMISES: **90 EBBITTS STREET, Staten Island**
Block 4054, Lot 38
Build it Back ID: **APP-007384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2935-A**
PREMISES: **92 EBBITTS STREET, Staten Island**
Block 4054, Lot 39
Build it Back ID: **APP-007725**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2936-A**
PREMISES: **37 MANILA PLACE, Staten Island**
Block 4054, Lot 62
Build it Back ID: **APP-011483**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2937-A**
PREMISES: **80 EBBITTS STREET, Staten Island**
Block 4054, Lot 33
Build it Back ID: **APP-015302**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2938-A**
PREMISES: **82 EBBITTS STREET, Staten Island**
Block 4054, Lot 35
Build it Back ID: **APP-017588**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2939-A**
PREMISES: **228 WEED AVENUE, Staten Island**
Block 4054, Lot 17
Build it Back ID: **APP-018888**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2940-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2940-A**
PREMISES: **222 WEED AVENUE, Staten Island**
Block 4054, Lot 20
Build it Back ID: **APP-001865**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEED AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2941-A**
PREMISES: **15 DIAZ PLACE, Staten Island**
Block 4054, Lot 8
Build it Back ID: **APP-002163**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2942-A**
PREMISES: **27 MANILA PLACE, Staten Island**
Block 4054, Lot 56
Build it Back ID: **APP-019194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2943-A**
PREMISES: **26 DIAZ PLACE, Staten Island**
Block 4055, Lot 37
Build it Back ID: **APP-003050**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2944-A**
PREMISES: **30 DIAZ PLACE, Staten Island**
Block 4055, Lot 39
Build it Back ID: **APP-008550**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2945-A**
PREMISES: **22 DIAZ PLACE, Staten Island**
Block 4055, Lot 34
Build it Back ID: **APP-009853**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2946-A**
PREMISES: **36 DIAZ PLACE, Staten Island**
Block 4055, Lot 44
Build it Back ID: **APP-010335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2947-A**
PREMISES: **97 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 8
Build it Back ID: **APP-011471**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2948-A**
PREMISES: **16 DIAZ PLACE, Staten Island**
Block 4055, Lot 30
Build it Back ID: **APP-019038**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DIAZ PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2949-A**
PREMISES: **85 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 14
Build it Back ID: **APP-023553**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2950-A**
PREMISES: **103 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 5
Build it Back ID: **APP-025662**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2951-A**
PREMISES: **73 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 20
Build it Back ID: **APP-014381**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2952-A**
PREMISES: **77 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 18
Build it Back ID: **APP-014524**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2953-A**
PREMISES: **79 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 17
Build it Back ID: **APP-014525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2954-A**
PREMISES: **71 ISERNIA AVENUE, Staten Island**
Block 4055, Lot 21
Build it Back ID: **APP-016032**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2955-A**
PREMISES: **120 EBBITTS STREET, Staten Island**
Block 4056, Lot 94
Build it Back ID: **APP-011075**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2956-A**
PREMISES: **199 MILTON AVENUE, Staten Island**
Block 4056, Lot 3
Build it Back ID: **APP-011436**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2957-A**
PREMISES: **241 FINLEY AVENUE, Staten Island**
Block 4057, Lot 80
Build it Back ID: **APP-009076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2958-A**
PREMISES: **130 EBBITTS STREET, Staten Island**
Block 4057, Lot 44
Build it Back ID: **APP-009139**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2959-A**
PREMISES: **126 EBBITTS STREET, Staten Island**
Block 4057, Lot 42
Build it Back ID: **APP-011531**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2960-A**
PREMISES: **128 EBBITTS STREET, Staten Island**
Block 4057, Lot 43
Build it Back ID: **APP-019538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2961-A**
PREMISES: **132 EBBITTS STREET, Staten Island**
Block 4057, Lot 45
Build it Back ID: **APP-022940**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2962-A**
PREMISES: **34 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 56
Build it Back ID: **APP-004739**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2963-A**
PREMISES: **40 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 57
Build it Back ID: **APP-005894**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2964-A**
PREMISES: **50 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 62
Build it Back ID: **APP-009298**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2965-A**
PREMISES: **54 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 66
Build it Back ID: **APP-009550**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2966-A**
PREMISES: **16 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 46
Build it Back ID: **APP-011534**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2967-A**
PREMISES: **279 MILTON AVENUE, Staten Island**
Block 4058, Lot 98
Build it Back ID: **APP-013208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2968-A**
PREMISES: **702 TYSENS LANE, Staten Island**
Block 4058, Lot 15
Build it Back ID: **APP-016181**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TYSENS LANE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2969-A**
PREMISES: **30 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 54
Build it Back ID: **APP-019636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2970-A**
PREMISES: **354 MILL ROAD, Staten Island**
Block 4058, Lot 454
Build it Back ID: **APP-020691**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2971-A**
PREMISES: **26 ISERNIA AVENUE, Staten Island**
Block 4058, Lot 51
Build it Back ID: **APP-020797**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ISERNIA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2972-A**
PREMISES: **82 MANILA AVENUE, Staten Island**
Block 4058, Lot 86
Build it Back ID: **APP-017154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANILA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2973-A**
PREMISES: **283 FINLEY AVENUE, Staten Island**
Block 4063, Lot 45
Build it Back ID: **APP-007906**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2974-A**
PREMISES: **825 TYSEN LANE, Staten Island**
Block 4063, Lot 55
Build it Back ID: **APP-019110**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TYSEN LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2975-A**
PREMISES: **27 BEACON PLACE, Staten Island**
Block 4064, Lot 6
Build it Back ID: **APP-014195**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2976-A**
PREMISES: **34 HETT AVENUE, Staten Island**
Block 4065, Lot 13
Build it Back ID: **APP-004457**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2977-A**
PREMISES: **706 NEW DORP LANE, Staten Island**
Block 4065, Lot 33
Build it Back ID: **APP-010457**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2978-A**
PREMISES: **159 EBBITTS STREET, Staten Island**
Block 4068, Lot 6
Build it Back ID: **APP-002570**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2979-A**
PREMISES: **111 HETT AVENUE, Staten Island**
Block 4068, Lot 56
Build it Back ID: **APP-004132**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2980-A**
PREMISES: **163 EBBITTS STREET, Staten Island**
Block 4068, Lot 4
Build it Back ID: **APP-009555**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2981-A**
PREMISES: **165 ROMA AVENUE, Staten Island**
Block 4069, Lot 76
Build it Back ID: **APP-000413**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2982-A**
PREMISES: **265 HETT AVENUE, Staten Island**
Block 4070, Lot 177
Build it Back ID: **APP-005354**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2983-A**
PREMISES: **154 EBBITTS STREET, Staten Island**
Block 4070, Lot 43
Build it Back ID: **APP-006291**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2984-A**
PREMISES: **216 FINLEY AVENUE, Staten Island**
Block 4070, Lot 116
Build it Back ID: **APP-006905**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2985-A**
PREMISES: **268 FINLEY AVENUE, Staten Island**
Block 4070, Lot 86
Build it Back ID: **APP-008146**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2986-A**
PREMISES: **214 FINLEY AVENUE, Staten Island**
Block 4070, Lot 114
Build it Back ID: **APP-008345**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2987-A**
PREMISES: **270 FINLEY AVENUE, Staten Island**
Block 4070, Lot 85
Build it Back ID: **APP-009353**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2988-A**
PREMISES: **164 EBBITTS STREET, Staten Island**
Block 4070, Lot 48
Build it Back ID: **APP-014227**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2989-A**
PREMISES: **250 FINLEY AVENUE, Staten Island**
Block 4070, Lot 96
Build it Back ID: **APP-018614**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2990-A**
PREMISES: **218 FINLEY AVENUE, Staten Island**
Block 4070, Lot 112
Build it Back ID: **APP-021562**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2991-A**
PREMISES: **200 FINLEY AVENUE, Staten Island**
Block 4070, Lot 123
Build it Back ID: **APP-006227**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2992-A**
PREMISES: **279 HETT AVENUE, Staten Island**
Block 4070, Lot 185
Build it Back ID: **APP-006357**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2993-A**
PREMISES: **243 HETT AVENUE, Staten Island**
Block 4070, Lot 164
Build it Back ID: **APP-011464**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2994-A**
PREMISES: **205 HETT AVENUE, Staten Island**
Block 4070, Lot 150
Build it Back ID: **APP-013193**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2995-A**
PREMISES: **271 HETT AVENUE, Staten Island**
Block 4070, Lot 181
Build it Back ID: **APP-014302**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2996-A**
PREMISES: **287 HETT AVENUE, Staten Island**
Block 4070, Lot 188
Build it Back ID: **APP-014728**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-2997-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2997-A**
PREMISES: **206 FINLEY AVENUE, Staten Island**
Block 4070, Lot 121
Build it Back ID: **APP-023482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2998-A**
PREMISES: **208 HETT AVENUE, Staten Island**
Block 4071, Lot 40
Build it Back ID: **APP-001378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-2999-A**
PREMISES: **79 NAVESINK PLACE, Staten Island**
Block 4071, Lot 4
Build it Back ID: **APP-001742**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAVESINK PLACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3000-A**
PREMISES: **10 JENNIFER LANE, Staten Island**
Block 4071, Lot 9
Build it Back ID: **APP-004320**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on JENNIFER LANE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3001-A**
PREMISES: **73 NAVESINK PLACE, Staten Island**
Block 4071, Lot 5
Build it Back ID: **APP-004631**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAVESINK PLACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3002-A**
PREMISES: **212 HETT AVENUE, Staten Island**
Block 4071, Lot 38
Build it Back ID: **APP-005984**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3003-A**
PREMISES: **218 HETT AVENUE, Staten Island**
Block 4071, Lot 35
Build it Back ID: **APP-008154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3004-A**
PREMISES: **242 HETT AVENUE, Staten Island**
Block 4071, Lot 25
Build it Back ID: **APP-011503**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3005-A**
PREMISES: **226 HETT AVENUE, Staten Island**
Block 4071, Lot 32
Build it Back ID: **APP-011756**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3006-A**
PREMISES: **234 HETT AVENUE, Staten Island**
Block 4071, Lot 28
Build it Back ID: **APP-013538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3007-A**
PREMISES: **232 HETT AVENUE, Staten Island**
Block 4071, Lot 29
Build it Back ID: **APP-013895**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3008-A**
PREMISES: **240 HETT AVENUE, Staten Island**
Block 4071, Lot 26
Build it Back ID: **APP-014316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3009-A**
PREMISES: **260 HETT AVENUE, Staten Island**
Block 4071, Lot 18
Build it Back ID: **APP-017619**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3010-A**
PREMISES: **246 HETT AVENUE, Staten Island**
Block 4071, Lot 23
Build it Back ID: **APP-018095**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3011-A**
PREMISES: **244 HETT AVENUE, Staten Island**
Block 4071, Lot 24
Build it Back ID: **APP-018426**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3012-A**
PREMISES: **222 HETT AVENUE, Staten Island**
Block 4071, Lot 33
Build it Back ID: **APP-018627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3013-A**
PREMISES: **230 HETT AVENUE, Staten Island**
Block 4071, Lot 30
Build it Back ID: **APP-021765**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3014-A**
PREMISES: **214 HETT AVENUE, Staten Island**
Block 4071, Lot 37
Build it Back ID: **APP-022308**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3015-A**
PREMISES: **248 HETT AVENUE, Staten Island**
Block 4071, Lot 22
Build it Back ID: **APP-024311**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3016-A**
PREMISES: **85 NAVESINK PLACE, Staten Island**
Block 4071, Lot 1
Build it Back ID: **APP-024807**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NAVESINK PLACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3017-A**
PREMISES: **841 TYSENS LANE, Staten Island**
Block 4073, Lot 69
Build it Back ID: **APP-007613**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TYSENS LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3018-A**
PREMISES: **284 FINLEY AVENUE, Staten Island**
Block 4073, Lot 79
Build it Back ID: **APP-010081**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3019-A**
PREMISES: **286 FINLEY AVENUE, Staten Island**
Block 4073, Lot 77
Build it Back ID: **APP-013532**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3020-A**
PREMISES: **301 HETT AVENUE, Staten Island**
Block 4073, Lot 89
Build it Back ID: **APP-014808**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3021-A**
PREMISES: **329 HETT AVENUE, Staten Island**
Block 4073, Lot 104
Build it Back ID: **APP-021830**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3022-A**
PREMISES: **327 HETT AVENUE, Staten Island**
Block 4073, Lot 103
Build it Back ID: **APP-022045**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3023-A**
PREMISES: **335 HETT AVENUE, Staten Island**
Block 4073, Lot 108
Build it Back ID: **APP-009772**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3024-A**
PREMISES: **321 HETT AVENUE, Staten Island**
Block 4073, Lot 99
Build it Back ID: **APP-010861**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3025-A**
PREMISES: **307 HETT AVENUE, Staten Island**
Block 4073, Lot 92
Build it Back ID: **APP-015685**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3026-A**
PREMISES: **309 HETT AVENUE, Staten Island**
Block 4073, Lot 94
Build it Back ID: **APP-017109**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3027-A**
PREMISES: **333 HETT AVENUE, Staten Island**
Block 4073, Lot 106
Build it Back ID: **APP-017845**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3028-A**
PREMISES: **313 ROMA AVENUE, Staten Island**
Block 4074, Lot 44
Build it Back ID: **APP-000048**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3029-A**
PREMISES: **309 ROMA AVENUE, Staten Island**
Block 4074, Lot 43
Build it Back ID: **APP-003018**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3030-A**
PREMISES: **307 ROMA AVENUE, Staten Island**
Block 4074, Lot 41
Build it Back ID: **APP-003534**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3031-A**
PREMISES: **315 ROMA AVENUE, Staten Island**
Block 4074, Lot 45
Build it Back ID: **APP-005785**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3032-A**
PREMISES: **303 ROMA AVENUE, Staten Island**
Block 4074, Lot 39
Build it Back ID: **APP-015694**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3033-A**
PREMISES: **316 HETT AVENUE, Staten Island**
Block 4074, Lot 23
Build it Back ID: **APP-016570**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3034-A**
PREMISES: **301 ROMA AVENUE, Staten Island**
Block 4074, Lot 37
Build it Back ID: **APP-022123**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3035-A**
PREMISES: **318 HETT AVENUE, Staten Island**
Block 4074, Lot 22
Build it Back ID: **APP-023587**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3036-A**
PREMISES: **302 HETT AVENUE, Staten Island**
Block 4074, Lot 27
Build it Back ID: **APP-016320**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3037-A**
PREMISES: **310 HETT AVENUE, Staten Island**
Block 4074, Lot 24
Build it Back ID: **APP-017480**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3038-A**
PREMISES: **291 ROMA AVENUE, Staten Island**
Block 4074, Lot 31
Build it Back ID: **APP-018973**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3039-A**
PREMISES: **24 TOPPING STREET, Staten Island**
Block 4085, Lot 51
Build it Back ID: **APP-005541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TOPPING STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3040-A**
PREMISES: **286 ROMA AVENUE, Staten Island**
Block 4108, Lot 273
Build it Back ID: **APP-023685**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3041-A**
PREMISES: **349 MILTON AVENUE, Staten Island**
Block 4130, Lot 515
Build it Back ID: **APP-002876**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3042-A**
PREMISES: **344 MILTON AVENUE, Staten Island**
Block 4130, Lot 606
Build it Back ID: **APP-005903**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3043-A**
PREMISES: **355 MILTON AVENUE, Staten Island**
Block 4130, Lot 512
Build it Back ID: **APP-006391**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3044-A**
PREMISES: **345 MILTON AVENUE, Staten Island**
Block 4130, Lot 516
Build it Back ID: **APP-012679**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3045-A**
PREMISES: **343 MILTON AVENUE, Staten Island**
Block 4130, Lot 517
Build it Back ID: **APP-013914**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3046-A**
PREMISES: **354 MILTON AVENUE, Staten Island**
Block 4130, Lot 602
Build it Back ID: **APP-014311**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3047-A**
PREMISES: **336 MILTON AVENUE, Staten Island**
Block 4130, Lot 611
Build it Back ID: **APP-014641**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3048-A**
PREMISES: **804 TYSENS LANE, Staten Island**
Block 4130, Lot 526
Build it Back ID: **APP-014941**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TYSENS LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3049-A**
PREMISES: **351 MILTON AVENUE, Staten Island**
Block 4130, Lot 513
Build it Back ID: **APP-016386**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3050-A**
PREMISES: **342 MILTON AVENUE, Staten Island**
Block 4130, Lot 608
Build it Back ID: **APP-017406**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3051-A**
PREMISES: **339 MILTON AVENUE, Staten Island**
Block 4130, Lot 518
Build it Back ID: **APP-018896**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3052-A**
PREMISES: **356 MILTON AVENUE, Staten Island**
Block 4130, Lot 600
Build it Back ID: **APP-023395**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3053-A**
PREMISES: **138 PELICAN CIRCLE, Staten Island**
Block 4131, Lot 61
Build it Back ID: **APP-002633**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PELICAN CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3054-A**
PREMISES: **20 PELICAN CIRCLE, Staten Island**
Block 4131, Lot 50
Build it Back ID: **APP-002669**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PELICAN CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3055-A**
PREMISES: **124 PELICAN CIRCLE, Staten Island**
Block 4131, Lot 1
Build it Back ID: **APP-004572**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PELICAN CIRCLE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3056-A**
PREMISES: **159 8 STREET, Staten Island**
Block 4231, Lot 95
Build it Back ID: **APP-020414**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 8 STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3057-A**
PREMISES: **18 BISHOP STREET, Staten Island**
Block 4335, Lot 126
Build it Back ID: **APP-007655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BISHOP STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3058-A**
PREMISES: **36 STONECREST COURT, Staten Island**
Block 4640, Lot 38
Build it Back ID: **APP-022486**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONECREST COURT within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3059-A**
PREMISES: **522 MILL ROAD, Staten Island**
Block 4758, Lot 1
Build it Back ID: **APP-003655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3060-A**
PREMISES: **508 MILL ROAD, Staten Island**
Block 4758, Lot 5
Build it Back ID: **APP-006793**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3061-A**
PREMISES: **600 MILL ROAD, Staten Island**
Block 4792, Lot 5
Build it Back ID: **APP-004609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3062-A**
PREMISES: **3808 AMBOY ROAD, Staten Island**
Block 5127, Lot 27
Build it Back ID: **APP-024627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMBOY ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3063-A**
PREMISES: **170 FIELDWAY AVENUE, Staten Island**
Block 5130, Lot 48
Build it Back ID: **APP-020973**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FIELDWAY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3064-A**
PREMISES: **181 NELSON AVENUE, Staten Island**
Block 5151, Lot 54
Build it Back ID: **APP-018854**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NELSON AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3065-A**
PREMISES: **15 NASH COURT, Staten Island**
Block 5156, Lot 33
Build it Back ID: **APP-011435**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NASH COURT within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3066-A**
PREMISES: **223 NELSON AVENUE, Staten Island**
Block 5156, Lot 132
Build it Back ID: **APP-025251**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NELSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3067-A**
PREMISES: **223 MANSION AVENUE, Staten Island**
Block 5206, Lot 24
Build it Back ID: **APP-020448**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MANSION AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3068-A**
PREMISES: **25 HARTFORD STREET, Staten Island**
Block 5208, Lot 50
Build it Back ID: **APP-006617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARTFORD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3069-A**
PREMISES: **20 HARTFORD STREET, Staten Island**
Block 5209, Lot 10
Build it Back ID: **APP-022877**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HARTFORD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3070-A**
PREMISES: **5 FITZGERALD AVENUE, Staten Island**
Block 5212, Lot 1
Build it Back ID: **APP-006742**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FITZGERALD AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3071-A**
PREMISES: **16 HOLLY AVENUE, Staten Island**
Block 5253, Lot 22
Build it Back ID: **APP-017631**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOLLY AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3072-A**
PREMISES: **321 THORNYCROFT AVENUE, Staten Island**
Block 5266, Lot 89
Build it Back ID: **APP-023360**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THORNYCROFT AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3073-A**
PREMISES: **351 WINCHESTER AVENUE, Staten Island**
Block 5267, Lot 100
Build it Back ID: **APP-021414**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINCHESTER AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3074-A**
PREMISES: **43 WIMAN AVENUE, Staten Island**
Block 5270, Lot 5
Build it Back ID: **APP-021997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3075-A**
PREMISES: **79 DAVID STREET, Staten Island**
Block 5273, Lot 43
Build it Back ID: **APP-022215**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DAVID STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3076-A**
PREMISES: **111 DRIGGS STREET, Staten Island**
Block 5274, Lot 69
Build it Back ID: **APP-025154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DRIGGS STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3077-A**
PREMISES: **145 DAVID STREET, Staten Island**
Block 5277, Lot 37
Build it Back ID: **APP-024133**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DAVID STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3078-A**
PREMISES: **101 RUSSELL STREET, Staten Island**
Block 5280, Lot 38
Build it Back ID: **APP-014055**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUSSELL STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3079-A**
PREMISES: **108 RUSSELL STREET, Staten Island**
Block 5281, Lot 10
Build it Back ID: **APP-014192**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RUSSELL STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3080-A**
PREMISES: **224 ROBINSON AVENUE, Staten Island**
Block 5284, Lot 19
Build it Back ID: **APP-013169**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3081-A**
PREMISES: **16 RIDGECREST AVENUE, Staten Island**
Block 5297, Lot 57
Build it Back ID: **APP-000236**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RIDGECREST AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3082-A**
PREMISES: **8 RIDGECREST AVENUE, Staten Island**
Block 5297, Lot 61
Build it Back ID: **APP-023478**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on RIDGECREST AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3083-A**
PREMISES: **197 WIMAN AVENUE, Staten Island**
Block 5302, Lot 37
Build it Back ID: **APP-001284**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3084-A**
PREMISES: **179 WIMAN AVENUE, Staten Island**
Block 5302, Lot 47
Build it Back ID: **APP-016630**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3085-A**
PREMISES: **181 WIMAN AVENUE, Staten Island**
Block 5302, Lot 46
Build it Back ID: **APP-017240**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3086-A**
PREMISES: **193 WIMAN AVENUE, Staten Island**
Block 5302, Lot 40
Build it Back ID: **APP-018329**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3087-A**
PREMISES: **205 WIMAN AVENUE, Staten Island**
Block 5302, Lot 36
Build it Back ID: **APP-005587**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3088-A**
PREMISES: **209 WIMAN AVENUE, Staten Island**
Block 5303, Lot 47
Build it Back ID: **APP-000007**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3089-A**
PREMISES: **235 WIMAN AVENUE, Staten Island**
Block 5303, Lot 30
Build it Back ID: **APP-000535**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3090-A**
PREMISES: **225 WIMAN AVENUE, Staten Island**
Block 5303, Lot 39
Build it Back ID: **APP-007343**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3091-A**
PREMISES: **241 WIMAN AVENUE, Staten Island**
Block 5303, Lot 29
Build it Back ID: **APP-010260**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3092-A**
PREMISES: **215 WIMAN AVENUE, Staten Island**
Block 5303, Lot 46
Build it Back ID: **APP-011295**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3093-A**
PREMISES: **208 WIMAN AVENUE, Staten Island**
Block 5306, Lot 55
Build it Back ID: **APP-001680**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3094-A**
PREMISES: **228 WIMAN AVENUE, Staten Island**
Block 5306, Lot 66
Build it Back ID: **APP-002508**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3095-A**
PREMISES: **234 WIMAN AVENUE, Staten Island**
Block 5306, Lot 69
Build it Back ID: **APP-003971**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3096-A**
PREMISES: **198 WIMAN AVENUE, Staten Island**
Block 5306, Lot 50
Build it Back ID: **APP-004421**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3097-A**
PREMISES: **210 WIMAN AVENUE, Staten Island**
Block 5306, Lot 56
Build it Back ID: **APP-004636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3098-A**
PREMISES: **216 WIMAN AVENUE, Staten Island**
Block 5306, Lot 59
Build it Back ID: **APP-004649**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3099-A**
PREMISES: **180 TENNYSON DRIVE, Staten Island**
Block 5306, Lot 80
Build it Back ID: **APP-006112**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3100-A**
PREMISES: **206 WIMAN AVENUE, Staten Island**
Block 5306, Lot 54
Build it Back ID: **APP-006412**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3101-A**
PREMISES: **224 WIMAN AVENUE, Staten Island**
Block 5306, Lot 63
Build it Back ID: **APP-006689**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3102-A**
PREMISES: **200 WIMAN AVENUE, Staten Island**
Block 5306, Lot 51
Build it Back ID: **APP-008784**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3103-A**
PREMISES: **182 TENNYSON DRIVE, Staten Island**
Block 5306, Lot 81
Build it Back ID: **APP-009766**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3104-A**
PREMISES: **236 WIMAN AVENUE, Staten Island**
Block 5306, Lot 70
Build it Back ID: **APP-010120**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3105-A**
PREMISES: **190 WIMAN AVENUE, Staten Island**
Block 5306, Lot 45
Build it Back ID: **APP-011308**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3106-A**
PREMISES: **238 WIMAN AVENUE, Staten Island**
Block 5306, Lot 71
Build it Back ID: **APP-011694**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3107-A**
PREMISES: **194 WIMAN AVENUE, Staten Island**
Block 5306, Lot 48
Build it Back ID: **APP-014929**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3108-A**
PREMISES: **204 WIMAN AVENUE, Staten Island**
Block 5306, Lot 52
Build it Back ID: **APP-015374**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3109-A**
PREMISES: **184 WIMAN AVENUE, Staten Island**
Block 5306, Lot 42
Build it Back ID: **APP-016631**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3110-A**
PREMISES: **186 WIMAN AVENUE, Staten Island**
Block 5306, Lot 44
Build it Back ID: **APP-016633**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3111-A**
PREMISES: **178 WIMAN AVENUE, Staten Island**
Block 5306, Lot 40
Build it Back ID: **APP-018306**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3112-A**
PREMISES: **111 GOODALL STREET, Staten Island**
Block 5306, Lot 84
Build it Back ID: **APP-019732**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GOODALL STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3113-A**
PREMISES: **184 TENNYSON DRIVE, Staten Island**
Block 5306, Lot 82
Build it Back ID: **APP-021987**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3114-A**
PREMISES: **188.5 WIMAN AVENUE, Staten Island**
Block 5306, Lot 45
Build it Back ID: **APP-011307**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3115-A**
PREMISES: **242 WIMAN AVENUE, Staten Island**
Block 5306, Lot 73
Build it Back ID: **APP-007085**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3116-A**
PREMISES: **230 WIMAN AVENUE, Staten Island**
Block 5306, Lot 68
Build it Back ID: **APP-007812**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3117-A**
PREMISES: **214 WIMAN AVENUE, Staten Island**
Block 5306, Lot 58
Build it Back ID: **APP-008140**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3118-A**
PREMISES: **218 WIMAN AVENUE, Staten Island**
Block 5306, Lot 60
Build it Back ID: **APP-020252**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3119-A**
PREMISES: **39 GLOVER STREET, Staten Island**
Block 5307, Lot 110
Build it Back ID: **APP-004653**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3120-A**
PREMISES: **41 GLOVER STREET, Staten Island**
Block 5307, Lot 109
Build it Back ID: **APP-005315**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3121-A**
PREMISES: **95 GLOVER STREET, Staten Island**
Block 5307, Lot 86
Build it Back ID: **APP-008213**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3122-A**
PREMISES: **11 GLOVER STREET, Staten Island**
Block 5307, Lot 130
Build it Back ID: **APP-010245**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3123-A**
PREMISES: **212 TENNYSON DRIVE, Staten Island**
Block 5307, Lot 77
Build it Back ID: **APP-010852**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3124-A**
PREMISES: **43 GLOVER STREET, Staten Island**
Block 5307, Lot 107
Build it Back ID: **APP-012458**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3125-A**
PREMISES: **69 GLOVER STREET, Staten Island**
Block 5307, Lot 104
Build it Back ID: **APP-013798**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3126-A**
PREMISES: **91 GLOVER STREET, Staten Island**
Block 5307, Lot 88
Build it Back ID: **APP-015669**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3127-A**
PREMISES: **204 TENNYSON DRIVE, Staten Island**
Block 5307, Lot 74
Build it Back ID: **APP-016688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3128-A**
PREMISES: **216 TENNYSON DRIVE, Staten Island**
Block 5307, Lot 78
Build it Back ID: **APP-020241**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3129-A**
PREMISES: **17 GLOVER STREET, Staten Island**
Block 5307, Lot 125
Build it Back ID: **APP-025617**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3130-A**
PREMISES: **79 GLOVER STREET, Staten Island**
Block 5307, Lot 98
Build it Back ID: **APP-009277**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3131-A**
PREMISES: **81 GLOVER STREET, Staten Island**
Block 5307, Lot 96
Build it Back ID: **APP-011577**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3132-A**
PREMISES: **60 GLOVER STREET, Staten Island**
Block 5310, Lot 40
Build it Back ID: **APP-002401**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3133-A**
PREMISES: **70 GLOVER STREET, Staten Island**
Block 5310, Lot 46
Build it Back ID: **APP-004627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3134-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3134-A**
PREMISES: **72 GLOVER STREET, Staten Island**
Block 5310, Lot 48
Build it Back ID: **APP-005012**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3135-A**
PREMISES: **96 GLOVER STREET, Staten Island**
Block 5310, Lot 60
Build it Back ID: **APP-009795**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3136-A**
PREMISES: **50 GLOVER STREET, Staten Island**
Block 5310, Lot 34
Build it Back ID: **APP-010851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3137-A**
PREMISES: **9 HEINZ AVENUE, Staten Island**
Block 5310, Lot 119
Build it Back ID: **APP-018423**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEINZ AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3138-A**
PREMISES: **98 GLOVER STREET, Staten Island**
Block 5310, Lot 62
Build it Back ID: **APP-025660**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3139-A**
PREMISES: **78 GLOVER STREET, Staten Island**
Block 5310, Lot 51
Build it Back ID: **APP-001624**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3140-A**
PREMISES: **76 GLOVER STREET, Staten Island**
Block 5310, Lot 49
Build it Back ID: **APP-008000**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3141-A**
PREMISES: **90 GLOVER STREET, Staten Island**
Block 5310, Lot 56
Build it Back ID: **APP-011091**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3142-A**
PREMISES: **10B FILIPE LANE, Staten Island**
Block 5310, Lot 7501
Build it Back ID: **APP-019417**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FILIPE LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3143-A**
PREMISES: **48 HEINZ AVENUE, Staten Island**
Block 5311, Lot 33
Build it Back ID: **APP-000321**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEINZ AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3144-A**
PREMISES: **20 HEINZ AVENUE, Staten Island**
Block 5311, Lot 18
Build it Back ID: **APP-017189**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HEINZ AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3145-A**
PREMISES: **5 HIGHLAND LANE, Staten Island**
Block 5313, Lot 31
Build it Back ID: **APP-007310**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HIGHLAND LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3146-A**
PREMISES: **11 HIGHLAND LANE, Staten Island**
Block 5313, Lot 25
Build it Back ID: **APP-021718**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HIGHLAND LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3147-A**
PREMISES: **290 TENNYSON DRIVE, Staten Island**
Block 5314, Lot 25
Build it Back ID: **APP-010036**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3148-A**
PREMISES: **19 HIGHLAND LANE, Staten Island**
Block 5314, Lot 24
Build it Back ID: **APP-015477**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HIGHLAND LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3149-A**
PREMISES: **33 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 70
Build it Back ID: **APP-010651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3150-A**
PREMISES: **31 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 69
Build it Back ID: **APP-010880**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3151-A**
PREMISES: **23 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 64
Build it Back ID: **APP-014998**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3152-A**
PREMISES: **11 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 58
Build it Back ID: **APP-015134**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3153-A**
PREMISES: **29 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 67
Build it Back ID: **APP-020701**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3154-A**
PREMISES: **83 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 95
Build it Back ID: **APP-021717**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3155-A**
PREMISES: **25 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 65
Build it Back ID: **APP-022359**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3156-A**
PREMISES: **45 ROBINSON AVENUE, Staten Island**
Block 5315, Lot 74
Build it Back ID: **APP-022959**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3157-A**
PREMISES: **22 ROBINSON AVENUE, Staten Island**
Block 5316, Lot 46
Build it Back ID: **APP-002683**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3158-A**
PREMISES: **33 GROTON STREET, Staten Island**
Block 5316, Lot 63
Build it Back ID: **APP-005505**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3159-A**
PREMISES: **41 GROTON STREET, Staten Island**
Block 5316, Lot 67
Build it Back ID: **APP-006951**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3160-A**
PREMISES: **51 GROTON STREET, Staten Island**
Block 5316, Lot 71
Build it Back ID: **APP-009379**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3161-A**
PREMISES: **20 ROBINSON AVENUE, Staten Island**
Block 5316, Lot 48
Build it Back ID: **APP-011758**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3162-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3162-A**
PREMISES: **27 GROTON STREET, Staten Island**
Block 5316, Lot 60
Build it Back ID: **APP-011779**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3163-A**
PREMISES: **23 GROTON STREET, Staten Island**
Block 5316, Lot 58
Build it Back ID: **APP-017200**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3164-A**
PREMISES: **55 GROTON STREET, Staten Island**
Block 5316, Lot 73
Build it Back ID: **APP-024717**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3165-A**
PREMISES: **26 ROBINSON AVENUE, Staten Island**
Block 5316, Lot 44
Build it Back ID: **APP-010925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROBINSON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3166-A**
PREMISES: **38 GROTON STREET, Staten Island**
Block 5317, Lot 39
Build it Back ID: **APP-013574**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GROTON STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3167-A**
PREMISES: **35 LITTLEFIELD AVENUE, Staten Island**
Block 5317, Lot 56
Build it Back ID: **APP-015335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LITTLEFIELD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3168-A**
PREMISES: **387 TENNYSON DRIVE, Staten Island**
Block 5317, Lot 51
Build it Back ID: **APP-015312**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3169-A**
PREMISES: **50 LITTLEFIELD AVENUE, Staten Island**
Block 5318, Lot 31
Build it Back ID: **APP-017817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LITTLEFIELD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3170-A**
PREMISES: **42 LITTLEFIELD AVENUE, Staten Island**
Block 5318, Lot 34
Build it Back ID: **APP-018271**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LITTLEFIELD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3171-A**
PREMISES: **17 THORNYCROFT AVENUE, Staten Island**
Block 5318, Lot 54
Build it Back ID: **APP-005858**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THORNYCROFT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3172-A**
PREMISES: **88 THORNYCROFT AVENUE, Staten Island**
Block 5319, Lot 11
Build it Back ID: **APP-009231**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THORNYCROFT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3173-A**
PREMISES: **85 WINCHESTER AVENUE, Staten Island**
Block 5319, Lot 78
Build it Back ID: **APP-024141**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINCHESTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3174-A**
PREMISES: **86 WINCHESTER AVENUE, Staten Island**
Block 5320, Lot 14
Build it Back ID: **APP-023826**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINCHESTER AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3175-A**
PREMISES: **55 OCEANIC AVENUE, Staten Island**
Block 5321, Lot 77
Build it Back ID: **APP-005754**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3176-A**
PREMISES: **31 OCEANIC AVENUE, Staten Island**
Block 5321, Lot 92
Build it Back ID: **APP-015261**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3177-A**
PREMISES: **62 SEACREST AVENUE, Staten Island**
Block 5321, Lot 34
Build it Back ID: **APP-020779**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SEACREST AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3178-A**
PREMISES: **49 OCEANIC AVENUE, Staten Island**
Block 5321, Lot 83
Build it Back ID: **APP-021935**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3179-A**
PREMISES: **53 OCEANIC AVENUE, Staten Island**
Block 5321, Lot 78
Build it Back ID: **APP-024291**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3180-A**
PREMISES: **50 OCEANIC AVENUE, Staten Island**
Block 5322, Lot 70
Build it Back ID: **APP-004891**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3181-A**
PREMISES: **48 OCEANIC AVENUE, Staten Island**
Block 5322, Lot 72
Build it Back ID: **APP-007164**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3182-A**
PREMISES: **62 OCEANIC AVENUE, Staten Island**
Block 5322, Lot 62
Build it Back ID: **APP-016626**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3183-A**
PREMISES: **52 OCEANIC AVENUE, Staten Island**
Block 5322, Lot 69
Build it Back ID: **APP-025405**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANIC AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3184-A**
PREMISES: **1441 ARDEN AVENUE, Staten Island**
Block 5363, Lot 75
Build it Back ID: **APP-014542**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ARDEN AVENUE within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3185-A**
PREMISES: **1421 ARDEN AVENUE, Staten Island**
Block 5363, Lot 86
Build it Back ID: **APP-023636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ARDEN AVENUE within a R1-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3186-A**
PREMISES: **306 DEWEY AVENUE, Staten Island**
Block 5439, Lot 88
Build it Back ID: **APP-017047**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DEWEY AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3187-A**
PREMISES: **150 COLON AVENUE, Staten Island**
Block 5455, Lot 113
Build it Back ID: **APP-023903**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on COLON AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3188-A**
PREMISES: **365 BARLOW AVENUE, Staten Island**
Block 5476, Lot 40
Build it Back ID: **APP-007893**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BARLOW AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3189-A**
PREMISES: **49 WAIMER PLACE, Staten Island**
Block 5585, Lot 99
Build it Back ID: **APP-008771**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WAIMER PLACE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3190-A**
PREMISES: **30 CHESEBROUGH STREET, Staten Island**
Block 5597, Lot 17
Build it Back ID: **APP-015746**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHESEBROUGH STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3191-A**
PREMISES: **5 LADD AVENUE, Staten Island**
Block 5654, Lot 100
Build it Back ID: **APP-016375**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LADD AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3192-A**
PREMISES: **67 WOLCOTT AVENUE, Staten Island**
Block 5659, Lot 36
Build it Back ID: **APP-016296**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WOLCOTT AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3193-A**
PREMISES: **63 EAGAN AVENUE, Staten Island**
Block 6205, Lot 32
Build it Back ID: **APP-023585**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAGAN AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3194-A**
PREMISES: **63 MOSELY AVENUE, Staten Island**
Block 6243, Lot 52
Build it Back ID: **APP-022808**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MOSELY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3195-A**
PREMISES: **124 BAYVIEW TERRACE, Staten Island**
Block 6354, Lot 44
Build it Back ID: **APP-002573**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYVIEW TERRACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3196-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3196-A**
PREMISES: **191 BOARDWALK AVENUE, Staten Island**
Block 6393, Lot 19
Build it Back ID: **APP-022926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BOARDWALK AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3197-A**
PREMISES: **3 OCEANVIEW AVENUE, Staten Island**
Block 6398, Lot 14
Build it Back ID: **APP-013308**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OCEANVIEW AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3198-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3198-A**
PREMISES: **492 Lipsett Avenue, Staten Island**
Block 6400, Lot 49
Build it Back ID: **APP-025833**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Lipsett Avenue within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3199-A**
PREMISES: **2 SPANISH LANE, Staten Island**
Block 6431, Lot 26
Build it Back ID: **APP-007891**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SPANISH LANE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3200-A**
PREMISES: **1 SPANISH LANE, Staten Island**
Block 6431, Lot 26
Build it Back ID: **APP-007896**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SPANISH LANE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3201-A**
PREMISES: **49 PURDY PLACE, Staten Island**
Block 6666, Lot 50
Build it Back ID: **APP-009776**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PURDY PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3202-A**
PREMISES: **237 BAYVIEW AVENUE, Staten Island**
Block 6710, Lot 150
Build it Back ID: **APP-003271**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYVIEW AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3203-A**
PREMISES: **45 FINLAY AVENUE, Staten Island**
Block 6750, Lot 18
Build it Back ID: **APP-013410**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLAY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3204-A**
PREMISES: **340 WOODVALE AVENUE, Staten Island**
Block 6787, Lot 26
Build it Back ID: **APP-023559**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WOODVALE AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3205-A**
PREMISES: **6136 AMBOY ROAD, Staten Island**
Block 6805, Lot 137
Build it Back ID: **APP-024707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMBOY ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3206-A**
PREMISES: **115 FOSTER ROAD, Staten Island**
Block 6864, Lot 1
Build it Back ID: **APP-001561**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FOSTER ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3207-A**
PREMISES: **808 IONIA AVENUE, Staten Island**
Block 6874, Lot 70
Build it Back ID: **APP-002011**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on IONIA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3208-A**
PREMISES: **19 CRABTREE LANE, Staten Island**
Block 7092, Lot 65
Build it Back ID: **APP-009179**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CRABTREE LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3209-A**
PREMISES: **2341 ARTHUR KILL ROAD, Staten Island**
Block 7152, Lot 1
Build it Back ID: **APP-024651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ARTHUR KILL ROAD within a M2-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3210-A**
PREMISES: **384 ENGLEWOOD AVENUE, Staten Island**
Block 7359, Lot 20
Build it Back ID: **APP-022335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ENGLEWOOD AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3211-A**
PREMISES: **6651 AMBOY ROAD, Staten Island**
Block 7550, Lot 49
Build it Back ID: **APP-008776**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMBOY ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3212-A**
PREMISES: **846 PAGE AVENUE, Staten Island**
Block 7722, Lot 1
Build it Back ID: **APP-017233**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PAGE AVENUE within a PARK zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3213-A**
PREMISES: **6720 AMBOY ROAD, Staten Island**
Block 7752, Lot 57
Build it Back ID: **APP-018493**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMBOY ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3214-A**
PREMISES: **6716 AMBOY ROAD, Staten Island**
Block 7752, Lot 57
Build it Back ID: **APP-020189**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMBOY ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3215-A**
PREMISES: **5 AMARON LANE, Staten Island**
Block 7836, Lot 1
Build it Back ID: **APP-025033**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMARON LANE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3216-A**
PREMISES: **181 BILLOP AVENUE, Staten Island**
Block 7885, Lot 52
Build it Back ID: **APP-000667**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BILLOP AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3217-A**
PREMISES: **399 CHELSEA STREET, Staten Island**
Block 7885, Lot 56
Build it Back ID: **APP-018901**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHELSEA STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3218-A**
PREMISES: **211 BILLOP AVENUE, Staten Island**
Block 7905, Lot 59
Build it Back ID: **APP-008220**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BILLOP AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3219-A**
PREMISES: **408 CHELSEA STREET, Staten Island**
Block 7905, Lot 50
Build it Back ID: **APP-008416**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHELSEA STREET within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3220-A**
PREMISES: **40 SUMMIT ROAD, Staten Island**
Block 7931, Lot 5
Build it Back ID: **APP-021974**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SUMMIT ROAD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3221-A**
PREMISES: **48 LION STREET, Staten Island**
Block 8020, Lot 1
Build it Back ID: **APP-018384**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LION STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3222-A**
PREMISES: **127 WOOD AVENUE, Staten Island**
Block 8022, Lot 30
Build it Back ID: **APP-016317**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WOOD AVENUE partially within a R3X zoning district and partially within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3223-A**
PREMISES: **142 YETMAN AVENUE, Staten Island**
Block 8025, Lot 78
Build it Back ID: **APP-000024**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on YETMAN AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3224-A**
PREMISES: **121 BUTLER AVENUE, Staten Island**
Block 8028, Lot 29
Build it Back ID: **APP-015454**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUTLER AVENUE within a R3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 2, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that, where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the

exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3225-A**
PREMISES: **192-35 HOLLIS AVENUE, Queens**
Block 10860, Lot 17
Build it Back ID: **APP-009393**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOLLIS AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3226-A**
PREMISES: **193-09 109 ROAD, Queens**
Block 10929, Lot 32
Build it Back ID: **APP-024781**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 109 ROAD within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3227-A
PREMISES: 218-33 140 AVENUE, Queens
Block 13037, Lot 63
Build it Back ID: APP-023274

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 140 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3228-A
PREMISES: 222-25 141 AVENUE, Queens
Block 13143, Lot 65
Build it Back ID: APP-022950

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 141 AVENUE within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3229-A**
PREMISES: **435 BERT ROAD, Queens**
Block 15306, Lot 1
Build it Back ID: **APP-004865**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BERT ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3230-A**
PREMISES: **727 SHAD CREEK ROAD, Queens**
Block 15308, Lot 38
Build it Back ID: **APP-001913**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3231-A**
PREMISES: **26 WEST 9 ROAD, Queens**
Block 15308, Lot 25
Build it Back ID: **APP-003504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3232-A**
PREMISES: **801 SHAD CREEK ROAD, Queens**
Block 15308, Lot 37
Build it Back ID: **APP-004681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3233-A**
PREMISES: **809 SHAD CREEK ROAD, Queens**
Block 15308, Lot 32
Build it Back ID: **APP-006436**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3234-A**
PREMISES: **703 SHAD CREEK ROAD, Queens**
Block 15308, Lot 56
Build it Back ID: **APP-007670**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3235-A**
PREMISES: **633 CROSS BAY BOULEVARD, Queens**
Block 15308, Lot 59
Build it Back ID: **APP-009371**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3236-A**
PREMISES: **723 SHAD CREEK ROAD, Queens**
Block 15308, Lot 40
Build it Back ID: **APP-013425**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3237-A**
PREMISES: **813 SHAD CREEK ROAD, Queens**
Block 15308, Lot 29
Build it Back ID: **APP-018726**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3238-A**
PREMISES: **913 SHAD CREEK ROAD, Queens**
Block 15308, Lot 18
Build it Back ID: **APP-019504**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3239-A**
PREMISES: **805 SHAD CREEK ROAD, Queens**
Block 15308, Lot 34
Build it Back ID: **APP-021253**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3240-A**
PREMISES: **719 SHAD CREEK ROAD, Queens**
Block 15308, Lot 43
Build it Back ID: **APP-024223**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3241-A**
PREMISES: **915 SHAD CREEK ROAD, Queens**
Block 15308, Lot 16
Build it Back ID: **APP-025487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3242-A**
PREMISES: **20 WEST FIFTH ROAD, Queens**
Block 15308, Lot 108
Build it Back ID: **APP-006141**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST FIFTH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3243-A**
PREMISES: **937 SHAD CREEK ROAD, Queens**
Block 15308, Lot 4
Build it Back ID: **APP-009638**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3244-A**
PREMISES: **721 SHAD CREEK ROAD, Queens**
Block 15308, Lot 42
Build it Back ID: **APP-019131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3245-A**
PREMISES: **711 CROSS BAY BOULEVARD, Queens**
Block 15311, Lot 8
Build it Back ID: **APP-000762**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3246-A**
PREMISES: **722 SHAD CREEK ROAD, Queens**
Block 15311, Lot 2
Build it Back ID: **APP-000771**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3247-A**
PREMISES: **714 SHAD CREEK ROAD, Queens**
Block 15311, Lot 7
Build it Back ID: **APP-003004**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3248-A**
PREMISES: **710 SHAD CREEK ROAD, Queens**
Block 15311, Lot 10
Build it Back ID: **APP-006833**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3249-A**
PREMISES: **724 SHAD CREEK ROAD, Queens**
Block 15311, Lot 1
Build it Back ID: **APP-025011**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3250-A**
PREMISES: **720 SHAD CREEK ROAD, Queens**
Block 15311, Lot 3
Build it Back ID: **APP-012110**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3251-A**
PREMISES: **723 CROSS BAY BOULEVARD, Queens**
Block 15311, Lot 29
Build it Back ID: **APP-021613**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3252-A**
PREMISES: **810 SHAD CREEK ROAD, Queens**
Block 15312, Lot 2
Build it Back ID: **APP-000600**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3253-A**
PREMISES: **804 SHAD CREEK ROAD, Queens**
Block 15312, Lot 6
Build it Back ID: **APP-000978**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3254-A**
PREMISES: **13 WEST 9 ROAD, Queens**
Block 15312, Lot 23
Build it Back ID: **APP-003525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3255-A**
PREMISES: **806 SHAD CREEK ROAD, Queens**
Block 15312, Lot 5
Build it Back ID: **APP-008689**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3256-A**
PREMISES: **11 WEST 9 ROAD, Queens**
Block 15312, Lot 22
Build it Back ID: **APP-010907**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3257-A**
PREMISES: **811 CROSS BAY BOULEVARD, Queens**
Block 15312, Lot 20
Build it Back ID: **APP-020513**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3258-A**
PREMISES: **802 SHAD CREEK ROAD, Queens**
Block 15312, Lot 7
Build it Back ID: **APP-022996**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SHAD CREEK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3259-A**
PREMISES: **17 WEST 10 ROAD, Queens**
Block 15313, Lot 18
Build it Back ID: **APP-021954**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3260-A**
PREMISES: **10 WEST 9 ROAD, Queens**
Block 15314, Lot 1
Build it Back ID: **APP-018247**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3261-A**
PREMISES: **28 WEST 10 ROAD, Queens**
Block 15315, Lot 24
Build it Back ID: **APP-000467**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3262-A**
PREMISES: **46 WEST 10 ROAD, Queens**
Block 15315, Lot 13
Build it Back ID: **APP-001183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3263-A**
PREMISES: **18 WEST 10 ROAD, Queens**
Block 15315, Lot 30
Build it Back ID: **APP-001459**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3264-A**
PREMISES: **10 WEST 10 ROAD, Queens**
Block 15315, Lot 35
Build it Back ID: **APP-001955**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3265-A**
PREMISES: **12 WEST 10 ROAD, Queens**
Block 15315, Lot 34
Build it Back ID: **APP-001964**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3266-A**
PREMISES: **42 WEST 10 ROAD, Queens**
Block 15315, Lot 15
Build it Back ID: **APP-004630**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3267-A**
PREMISES: **44 WEST 10 ROAD, Queens**
Block 15315, Lot 14
Build it Back ID: **APP-008036**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3268-A**
PREMISES: **34 WEST 10 ROAD, Queens**
Block 15315, Lot 20
Build it Back ID: **APP-008481**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3269-A**
PREMISES: **24 WEST 10 ROAD, Queens**
Block 15315, Lot 26
Build it Back ID: **APP-008596**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3270-A**
PREMISES: **16 WEST 10 ROAD, Queens**
Block 15315, Lot 31
Build it Back ID: **APP-016013**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3271-A**
PREMISES: **32 WEST 10 ROAD, Queens**
Block 15315, Lot 21
Build it Back ID: **APP-019477**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3272-A
PREMISES: 36 WEST 10 ROAD, Queens
Block 15315, Lot 19
Build it Back ID: APP-019865

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3273-A**
PREMISES: **40 WEST 10 ROAD, Queens**
Block 15315, Lot 16
Build it Back ID: **APP-021053**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3274-A**
PREMISES: **30 WEST 10 ROAD, Queens**
Block 15315, Lot 23
Build it Back ID: **APP-021602**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3275-A**
PREMISES: **20 WEST 10 ROAD, Queens**
Block 15315, Lot 29
Build it Back ID: **APP-025410**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3276-A**
PREMISES: **22 WEST 10 ROAD, Queens**
Block 15315, Lot 28
Build it Back ID: **APP-025526**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3277-A**
PREMISES: **622 CROSSBAY BOULEVARD, Queens**
Block 15451, Lot 1
Build it Back ID: **APP-008023**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3278-A**
PREMISES: **15 EAST 7 ROAD, Queens**
Block 15451, Lot 27
Build it Back ID: **APP-009046**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3279-A**
PREMISES: **13 EAST 7 ROAD, Queens**
Block 15451, Lot 28
Build it Back ID: **APP-015079**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3280-A**
PREMISES: **609 CHURCH ROAD, Queens**
Block 15451, Lot 25
Build it Back ID: **APP-019640**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3281-A**
PREMISES: **16 EAST 7 ROAD, Queens**
Block 15452, Lot 19
Build it Back ID: **APP-001407**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3282-A**
PREMISES: **12 East 7 ROAD, Queens**
Block 15452, Lot 16
Build it Back ID: **APP-015658**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on East 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3283-A**
PREMISES: **14 EAST 7 ROAD, Queens**
Block 15452, Lot 17
Build it Back ID: **APP-015851**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3284-A**
PREMISES: **702 CROSSBAY BOULEVARD, Queens**
Block 15452, Lot 14
Build it Back ID: **APP-023619**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3285-A**
PREMISES: **709 CHURCH ROAD, Queens**
Block 15452, Lot 21
Build it Back ID: **APP-024246**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3286-A**
PREMISES: **15 NOEL ROAD, Queens**
Block 15452, Lot 22
Build it Back ID: **APP-003322**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3287-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3287-A**
PREMISES: **9 EAST 8 ROAD, Queens**
Block 15453, Lot 24
Build it Back ID: **APP-003204**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3288-A**
PREMISES: **11 EAST 8 ROAD, Queens**
Block 15453, Lot 23
Build it Back ID: **APP-004364**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3289-A**
PREMISES: **10 NOEL ROAD, Queens**
Block 15453, Lot 11
Build it Back ID: **APP-004815**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3290-A**
PREMISES: **12 NOEL ROAD, Queens**
Block 15453, Lot 12
Build it Back ID: **APP-005183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3291-A**
PREMISES: **740 CROSS BAY BOULEVARD, Queens**
Block 15453, Lot 1
Build it Back ID: **APP-004566**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3292-A**
PREMISES: **111 EAST 7 ROAD, Queens**
Block 15454, Lot 26
Build it Back ID: **APP-000183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3293-A**
PREMISES: **119 EAST 7 ROAD, Queens**
Block 15454, Lot 21
Build it Back ID: **APP-004779**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3294-A**
PREMISES: **101 EAST 7 ROAD, Queens**
Block 15454, Lot 31
Build it Back ID: **APP-005814**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3295-A**
PREMISES: **109 EAST 7 ROAD, Queens**
Block 15454, Lot 27
Build it Back ID: **APP-006632**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3296-A**
PREMISES: **117 EAST 7 ROAD, Queens**
Block 15454, Lot 22
Build it Back ID: **APP-010028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3297-A**
PREMISES: **105 EAST 7 ROAD, Queens**
Block 15454, Lot 29
Build it Back ID: **APP-010262**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3298-A**
PREMISES: **611 WALTON ROAD, Queens**
Block 15454, Lot 18
Build it Back ID: **APP-019396**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WALTON ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3299-A**
PREMISES: **116 EAST 7 ROAD, Queens**
Block 15455, Lot 10
Build it Back ID: **APP-000634**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3300-A**
PREMISES: **106 EAST 7 ROAD, Queens**
Block 15455, Lot 3
Build it Back ID: **APP-004100**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3301-A**
PREMISES: **112 EAST 7 ROAD, Queens**
Block 15455, Lot 7
Build it Back ID: **APP-004110**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3302-A**
PREMISES: **703 WALTON ROAD, Queens**
Block 15455, Lot 15
Build it Back ID: **APP-013433**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WALTON ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3303-A**
PREMISES: **110 EAST 7 ROAD, Queens**
Block 15455, Lot 6
Build it Back ID: **APP-018999**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3304-A**
PREMISES: **102 EAST 7 ROAD, Queens**
Block 15455, Lot 1
Build it Back ID: **APP-021292**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3305-A**
PREMISES: **114 EAST 7 ROAD, Queens**
Block 15455, Lot 8
Build it Back ID: **APP-021930**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 7 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3306-A**
PREMISES: **112 NOEL ROAD, Queens**
Block 15456, Lot 15
Build it Back ID: **APP-001227**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3307-A**
PREMISES: **120 NOEL ROAD, Queens**
Block 15456, Lot 20
Build it Back ID: **APP-001998**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3308-A**
PREMISES: **110 NOEL ROAD, Queens**
Block 15456, Lot 13
Build it Back ID: **APP-002818**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3309-A**
PREMISES: **116 NOEL ROAD, Queens**
Block 15456, Lot 17
Build it Back ID: **APP-007411**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3310-A**
PREMISES: **734 CHURCH ROAD, Queens**
Block 15456, Lot 1
Build it Back ID: **APP-007496**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3311-A**
PREMISES: **109 EAST 8 ROAD, Queens**
Block 15456, Lot 36
Build it Back ID: **APP-008163**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3312-A**
PREMISES: **122 NOEL ROAD, Queens**
Block 15456, Lot 21
Build it Back ID: **APP-013157**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3313-A**
PREMISES: **106 NOEL ROAD, Queens**
Block 15456, Lot 11
Build it Back ID: **APP-016594**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3314-A**
PREMISES: **111 EAST 8 ROAD, Queens**
Block 15456, Lot 35
Build it Back ID: **APP-017303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3315-A**
PREMISES: **114 NOEL ROAD, Queens**
Block 15456, Lot 16
Build it Back ID: **APP-024270**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3316-A**
PREMISES: **118 NOEL ROAD, Queens**
Block 15456, Lot 18
Build it Back ID: **APP-024369**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3317-A**
PREMISES: **126 NOEL ROAD, Queens**
Block 15456, Lot 23
Build it Back ID: **APP-021027**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3318-A**
PREMISES: **610 WALTON ROAD, Queens**
Block 15457, Lot 30
Build it Back ID: **APP-000230**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WALTON ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3319-A**
PREMISES: **609 WEST ROAD, Queens**
Block 15457, Lot 9
Build it Back ID: **APP-000682**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3320-A**
PREMISES: **611 WEST ROAD, Queens**
Block 15457, Lot 10
Build it Back ID: **APP-006118**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3321-A**
PREMISES: **614 WALTON ROAD, Queens**
Block 15457, Lot 26
Build it Back ID: **APP-010945**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WALTON ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3322-A**
PREMISES: **201 NOEL ROAD, Queens**
Block 15457, Lot 24
Build it Back ID: **APP-015811**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3323-A**
PREMISES: **209 EAST 8 ROAD, Queens**
Block 15458, Lot 9
Build it Back ID: **APP-000719**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3324-A**
PREMISES: **203 E 8 ROAD, Queens**
Block 15458, Lot 13
Build it Back ID: **APP-002409**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on E 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3325-A**
PREMISES: **211 EAST 8 ROAD, Queens**
Block 15458, Lot 8
Build it Back ID: **APP-004665**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3326-A**
PREMISES: **204 NOEL ROAD, Queens**
Block 15458, Lot 3
Build it Back ID: **APP-009122**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3327-A**
PREMISES: **205 EAST 8 ROAD, Queens**
Block 15458, Lot 12
Build it Back ID: **APP-009459**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3328-A**
PREMISES: **202 NOEL ROAD, Queens**
Block 15458, Lot 1
Build it Back ID: **APP-009527**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3329-A**
PREMISES: **207 EAST 8 ROAD, Queens**
Block 15458, Lot 10
Build it Back ID: **APP-015877**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3330-A**
PREMISES: **629 WEST ROAD, Queens**
Block 15459, Lot 5
Build it Back ID: **APP-001279**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3331-A**
PREMISES: **621 WEST ROAD, Queens**
Block 15459, Lot 10
Build it Back ID: **APP-003945**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3332-A**
PREMISES: **214 NOEL ROAD, Queens**
Block 15459, Lot 9
Build it Back ID: **APP-021421**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NOEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3333-A**
PREMISES: **631 WEST ROAD, Queens**
Block 15459, Lot 4
Build it Back ID: **APP-023884**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3334-A**
PREMISES: **803 CHURCH ROAD, Queens**
Block 15460, Lot 15
Build it Back ID: **APP-000508**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3335-A**
PREMISES: **801 CHURCH ROAD, Queens**
Block 15460, Lot 14
Build it Back ID: **APP-004741**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3336-A**
PREMISES: **17 EAST 9 ROAD, Queens**
Block 15460, Lot 24
Build it Back ID: **APP-007156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3337-A**
PREMISES: **13 EAST 9 ROAD, Queens**
Block 15460, Lot 26
Build it Back ID: **APP-008383**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3338-A**
PREMISES: **11 EAST 9 ROAD, Queens**
Block 15460, Lot 28
Build it Back ID: **APP-012279**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3339-A**
PREMISES: **14 EAST 8 ROAD, Queens**
Block 15460, Lot 12
Build it Back ID: **APP-013953**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3340-A**
PREMISES: **813 CHURCH ROAD, Queens**
Block 15460, Lot 21
Build it Back ID: **APP-021097**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3341-A**
PREMISES: **809 CHURCH ROAD, Queens**
Block 15460, Lot 18
Build it Back ID: **APP-023265**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3342-A**
PREMISES: **802 CROSSBAY BOULEVARD, Queens**
Block 15460, Lot 10
Build it Back ID: **APP-000870**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3343-A**
PREMISES: **11 EAST 10 ROAD, Queens**
Block 15461, Lot 32
Build it Back ID: **APP-006666**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3344-A**
PREMISES: **14 EAST 9 ROAD, Queens**
Block 15461, Lot 14
Build it Back ID: **APP-016511**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3345-A**
PREMISES: **12 EAST 9 ROAD, Queens**
Block 15461, Lot 12
Build it Back ID: **APP-022436**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3346-A**
PREMISES: **20 EAST 9 ROAD, Queens**
Block 15461, Lot 18
Build it Back ID: **APP-019050**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3347-A**
PREMISES: **18 EAST 9 ROAD, Queens**
Block 15461, Lot 16
Build it Back ID: **APP-021208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3348-A**
PREMISES: **806 CHURCH ROAD, Queens**
Block 15462, Lot 8
Build it Back ID: **APP-000063**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3349-A**
PREMISES: **110 EAST 8 ROAD, Queens**
Block 15462, Lot 11
Build it Back ID: **APP-000240**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3350-A**
PREMISES: **807 WALTON ROAD, Queens**
Block 15462, Lot 15
Build it Back ID: **APP-000306**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WALTON ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3351-A**
PREMISES: **814 CHURCH ROAD, Queens**
Block 15462, Lot 4
Build it Back ID: **APP-002439**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3352-A**
PREMISES: **108 EAST 8 ROAD, Queens**
Block 15462, Lot 9
Build it Back ID: **APP-006344**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3353-A**
PREMISES: **810 CHURCH ROAD, Queens**
Block 15462, Lot 6
Build it Back ID: **APP-010487**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3354-A**
PREMISES: **109 EAST 9 ROAD, Queens**
Block 15462, Lot 33
Build it Back ID: **APP-012986**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3355-A**
PREMISES: **808 CHURCH ROAD, Queens**
Block 15462, Lot 7
Build it Back ID: **APP-016561**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3356-A**
PREMISES: **812 CHURCH ROAD, Queens**
Block 15462, Lot 5
Build it Back ID: **APP-018437**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3357-A**
PREMISES: **115 EAST 9 ROAD, Queens**
Block 15462, Lot 29
Build it Back ID: **APP-020688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3358-A**
PREMISES: **103 EAST 9 ROAD, Queens**
Block 15462, Lot 1
Build it Back ID: **APP-003465**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3359-A**
PREMISES: **113 EAST 9 ROAD, Queens**
Block 15462, Lot 32
Build it Back ID: **APP-017707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3360-A**
PREMISES: **120 EAST 9 ROAD, Queens**
Block 15463, Lot 10
Build it Back ID: **APP-006612**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3361-A**
PREMISES: **104 EAST 9 ROAD, Queens**
Block 15463, Lot 2
Build it Back ID: **APP-007108**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3362-A**
PREMISES: **112 EAST 9 ROAD, Queens**
Block 15463, Lot 7
Build it Back ID: **APP-014242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3363-A
PREMISES: 130 EAST 9 ROAD, Queens
Block 15463, Lot 13
Build it Back ID: APP-024207

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3364-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3364-A**
PREMISES: **208 EAST 8 ROAD, Queens**
Block 15464, Lot 3
Build it Back ID: **APP-003444**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3365-A**
PREMISES: **209 EAST 9 ROAD, Queens**
Block 15464, Lot 9
Build it Back ID: **APP-015944**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3366-A**
PREMISES: **211 EAST 9 ROAD, Queens**
Block 15464, Lot 8
Build it Back ID: **APP-021573**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3367-A**
PREMISES: **205 EAST 9 ROAD, Queens**
Block 15464, Lot 10
Build it Back ID: **APP-005520**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3368-A**
PREMISES: **210 EAST 9 ROAD, Queens**
Block 15465, Lot 6
Build it Back ID: **APP-000149**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3369-A**
PREMISES: **212 East 9 ROAD, Queens**
Block 15465, Lot 7
Build it Back ID: **APP-001022**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on East 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3370-A**
PREMISES: **208 EAST 9 ROAD, Queens**
Block 15465, Lot 3
Build it Back ID: **APP-021417**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 9 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3371-A**
PREMISES: **1005 CHANNEL ROAD, Queens**
Block 15475, Lot 27
Build it Back ID: **APP-000429**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3372-A**
PREMISES: **1009 CHANNEL ROAD, Queens**
Block 15475, Lot 18
Build it Back ID: **APP-021239**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3373-A
PREMISES: 10-10 CROSS BAY BOULEVARD, Queens
Block 15475, Lot 18
Build it Back ID: APP-021234

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda 5
Negative 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3374-A**
PREMISES: **1014 CHANNEL ROAD, Queens**
Block 15476, Lot 17
Build it Back ID: **APP-001172**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3375-A**
PREMISES: **1012 CHANNEL ROAD, Queens**
Block 15476, Lot 2
Build it Back ID: **APP-015989**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3376-A**
PREMISES: **1401 CHANNEL ROAD, Queens**
Block 15479, Lot 24
Build it Back ID: **APP-005652**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3377-A**
PREMISES: **16-02 CHURCH ROAD, Queens**
Block 15480, Lot 51
Build it Back ID: **APP-002042**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3378-A**
PREMISES: **14-34 CHURCH ROAD, Queens**
Block 15480, Lot 52
Build it Back ID: **APP-006183**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3379-A**
PREMISES: **16-12 CHURCH ROAD, Queens**
Block 15482, Lot 42
Build it Back ID: **APP-001173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3380-A**
PREMISES: **1604 CHANNEL ROAD, Queens**
Block 15482, Lot 48
Build it Back ID: **APP-002924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3381-A**
PREMISES: **1606 CHANNEL ROAD, Queens**
Block 15482, Lot 47
Build it Back ID: **APP-004927**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3382-A**
PREMISES: **11 EAST 20 ROAD, Queens**
Block 15483, Lot 3
Build it Back ID: **APP-004126**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 20 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3383-A
PREMISES: 1838 CHANNEL ROAD, Queens
Block 15484, Lot 1
Build it Back ID: APP-012553

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3384-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3384-A**
PREMISES: **20-06 CHURCH ROAD, Queens**
Block 15500, Lot 110
Build it Back ID: **APP-021242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3385-A**
PREMISES: **65-16 BAYFIELD AVENUE, Queens**
Block 16019, Lot 17
Build it Back ID: **APP-018408**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3386-A**
PREMISES: **65-36 BAYFIELD AVENUE, Queens**
Block 16019, Lot 5
Build it Back ID: **APP-002345**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3387-A**
PREMISES: **65-40 BAYFIELD AVENUE, Queens**
Block 16019, Lot 4
Build it Back ID: **APP-002510**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3388-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3388-A**
PREMISES: **65-18 BAYFIELD AVENUE, Queens**
Block 16019, Lot 16
Build it Back ID: **APP-004791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3389-A**
PREMISES: **704 B 67 STREET, Queens**
Block 16019, Lot 1
Build it Back ID: **APP-006259**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on B 67 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3390-A**
PREMISES: **65-34 BAYFIELD AVENUE, Queens**
Block 16019, Lot 7
Build it Back ID: **APP-013732**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3391-A**
PREMISES: **65-30 BAYFIELD AVENUE, Queens**
Block 16019, Lot 9
Build it Back ID: **APP-015494**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3392-A**
PREMISES: **65-24 BAYFIELD AVENUE, Queens**
Block 16019, Lot 11
Build it Back ID: **APP-024029**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3393-A**
PREMISES: **65-20 BAYFIELD AVENUE, Queens**
Block 16019, Lot 13
Build it Back ID: **APP-024659**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3394-A**
PREMISES: **67-20 BAYFIELD AVENUE, Queens**
Block 16021, Lot 75
Build it Back ID: **APP-003630**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3395-A**
PREMISES: **605 BEACH 63 STREET, Queens**
Block 16023, Lot 52
Build it Back ID: **APP-025043**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 63 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3396-A**
PREMISES: **604 BEACH 65 STREET, Queens**
Block 16024, Lot 1
Build it Back ID: **APP-021904**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 65 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3397-A**
PREMISES: **65-39 BAYFIELD AVENUE, Queens**
Block 16025, Lot 3
Build it Back ID: **APP-011152**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3398-A**
PREMISES: **65-35 BAYFIELD AVENUE, Queens**
Block 16025, Lot 5
Build it Back ID: **APP-014538**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3399-A**
PREMISES: **65-31 BAYFIELD AVENUE, Queens**
Block 16025, Lot 7
Build it Back ID: **APP-021807**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3400-A**
PREMISES: **65-27 BAYFIELD AVENUE, Queens**
Block 16025, Lot 11
Build it Back ID: **APP-000119**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3401-A**
PREMISES: **65-07 BAYFIELD AVENUE, Queens**
Block 16025, Lot 18
Build it Back ID: **APP-007243**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3402-A**
PREMISES: **65-07A BAYFIELD AVENUE, Queens**
Block 16025, Lot 17
Build it Back ID: **APP-007250**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3403-A**
PREMISES: **65-41 BAYFIELD AVENUE, Queens**
Block 16025, Lot 1
Build it Back ID: **APP-015493**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3404-A**
PREMISES: **65-10 ALMEDA AVENUE, Queens**
Block 16026, Lot 53
Build it Back ID: **APP-017565**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3405-A**
PREMISES: **65-02 ALMEDA AVENUE, Queens**
Block 16026, Lot 50
Build it Back ID: **APP-017623**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3406-A**
PREMISES: **65-18 ALMEDA AVENUE, Queens**
Block 16026, Lot 56
Build it Back ID: **APP-024998**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3407-A**
PREMISES: **66-20 ALMEDA AVENUE, Queens**
Block 16027, Lot 1
Build it Back ID: **APP-003412**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3408-A**
PREMISES: **66-18 ALMEDA AVENUE, Queens**
Block 16027, Lot 50
Build it Back ID: **APP-003920**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3409-A**
PREMISES: **66-14 ALMEDA AVENUE, Queens**
Block 16027, Lot 49
Build it Back ID: **APP-013335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3410-A**
PREMISES: **603 BEACH 66 STREET, Queens**
Block 16027, Lot 44
Build it Back ID: **APP-025545**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 66 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3411-A**
PREMISES: **67-13 BAYFIELD AVENUE, Queens**
Block 16028, Lot 36
Build it Back ID: **APP-019844**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3412-A**
PREMISES: **67-03 BAYFIELD AVENUE, Queens**
Block 16028, Lot 39
Build it Back ID: **APP-020453**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3413-A**
PREMISES: **602 BEACH 68 STREET, Queens**
Block 16028, Lot 1
Build it Back ID: **APP-024218**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 68 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3414-A**
PREMISES: **68-11 BAYFIELD AVENUE, Queens**
Block 16029, Lot 34
Build it Back ID: **APP-006144**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3415-A**
PREMISES: **68-17 BAYFIELD AVENUE, Queens**
Block 16029, Lot 33
Build it Back ID: **APP-021679**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3416-A**
PREMISES: **562 BEACH 64 STREET, Queens**
Block 16030, Lot 28
Build it Back ID: **APP-004156**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 64 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3417-A**
PREMISES: **565 BEACH 63 STREET, Queens**
Block 16030, Lot 35
Build it Back ID: **APP-006196**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 63 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3418-A**
PREMISES: **504 BEACH 64 STREET, Queens**
Block 16030, Lot 1
Build it Back ID: **APP-010688**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 64 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3419-A**
PREMISES: **501 BEACH 64 STREET, Queens**
Block 16031, Lot 69
Build it Back ID: **APP-005307**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 64 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3420-A**
PREMISES: **567 BEACH 65 STREET, Queens**
Block 16032, Lot 36
Build it Back ID: **APP-016245**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 65 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3421-A**
PREMISES: **568 BEACH 66 STREET, Queens**
Block 16032, Lot 33
Build it Back ID: **APP-017255**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 66 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3422-A**
PREMISES: **65-20 THURSBY AVENUE, Queens**
Block 16032, Lot 1
Build it Back ID: **APP-020944**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3423-A**
PREMISES: **66-11 ALMEDA AVENUE, Queens**
Block 16033, Lot 34
Build it Back ID: **APP-003810**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3424-A**
PREMISES: **66-09 ALMEDA AVENUE, Queens**
Block 16033, Lot 35
Build it Back ID: **APP-009208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3425-A**
PREMISES: **66-03 ALMEDA AVENUE, Queens**
Block 16033, Lot 37
Build it Back ID: **APP-010503**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3426-A**
PREMISES: **66-07 ALMEDA AVENUE, Queens**
Block 16033, Lot 36
Build it Back ID: **APP-022318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3427-A**
PREMISES: **501 BEACH 66 STREET, Queens**
Block 16033, Lot 69
Build it Back ID: **APP-011252**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 66 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3428-A**
PREMISES: **67-07 ALMEDA AVENUE, Queens**
Block 16034, Lot 36
Build it Back ID: **APP-019956**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3429-A**
PREMISES: **570 BEACH 68 STREET, Queens**
Block 16034, Lot 35
Build it Back ID: **APP-018106**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 68 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3430-A**
PREMISES: **569 BEACH 68 STREET, Queens**
Block 16035, Lot 53
Build it Back ID: **APP-025057**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 68 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3431-A**
PREMISES: **506 BEACH 69 STREET, Queens**
Block 16036, Lot 1
Build it Back ID: **APP-006173**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 69 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3432-A**
PREMISES: **64-01 THURSBY AVENUE, Queens**
Block 16038, Lot 41
Build it Back ID: **APP-023056**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3433-A**
PREMISES: **467 BEACH 66 STREET, Queens**
Block 16040, Lot 39
Build it Back ID: **APP-010924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 66 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3434-A**
PREMISES: **470 BEACH 67 STREET, Queens**
Block 16040, Lot 34
Build it Back ID: **APP-003827**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 67 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3435-A**
PREMISES: **69-62 BAYFIELD AVENUE, Queens**
Block 16043, Lot 1
Build it Back ID: **APP-006826**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3436-A**
PREMISES: **69-52 BAYFIELD AVENUE, Queens**
Block 16043, Lot 5
Build it Back ID: **APP-011422**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3437-A**
PREMISES: **69-42 BAYFIELD AVENUE, Queens**
Block 16043, Lot 11
Build it Back ID: **APP-011676**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3438-A**
PREMISES: **69-40 BAYFIELD AVENUE, Queens**
Block 16043, Lot 13
Build it Back ID: **APP-015675**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3439-A**
PREMISES: **69-26 BAYFIELD AVENUE, Queens**
Block 16043, Lot 19
Build it Back ID: **APP-016911**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3440-A**
PREMISES: **69-24 BAYFIELD AVENUE, Queens**
Block 16043, Lot 21
Build it Back ID: **APP-021984**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3441-A**
PREMISES: **69-20 BAYFIELD AVENUE, Queens**
Block 16043, Lot 23
Build it Back ID: **APP-022094**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3442-A**
PREMISES: **69-16 BAYFIELD AVENUE, Queens**
Block 16043, Lot 25
Build it Back ID: **APP-002672**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3443-A**
PREMISES: **69-46 BAYFIELD AVENUE, Queens**
Block 16043, Lot 7
Build it Back ID: **APP-023270**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3444-A**
PREMISES: **69-23 BAYFIELD AVENUE, Queens**
Block 16045, Lot 20
Build it Back ID: **APP-003514**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3445-A**
PREMISES: **69-11 BAYFIELD AVENUE, Queens**
Block 16045, Lot 26
Build it Back ID: **APP-004676**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3446-A**
PREMISES: **69-21 BAYFIELD AVENUE, Queens**
Block 16045, Lot 21
Build it Back ID: **APP-006625**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3447-A**
PREMISES: **69-19 BAYFIELD AVENUE, Queens**
Block 16045, Lot 23
Build it Back ID: **APP-008343**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3448-A**
PREMISES: **69-35 BAYFIELD AVENUE, Queens**
Block 16045, Lot 14
Build it Back ID: **APP-010336**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3449-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3449-A**
PREMISES: **322 BEACH 86 STREET, Queens**
Block 16045, Lot 12
Build it Back ID: **APP-014615**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 86 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3450-A**
PREMISES: **69-27 BAYFIELD AVENUE, Queens**
Block 16045, Lot 19
Build it Back ID: **APP-021315**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3451-A**
PREMISES: **69-47 BAYFIELD AVENUE, Queens**
Block 16045, Lot 10
Build it Back ID: **APP-023854**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3452-A**
PREMISES: **69-29 BAYFIELD AVENUE, Queens**
Block 16045, Lot 17
Build it Back ID: **APP-024888**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYFIELD AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3453-A**
PREMISES: **69-56 ALMEDA AVENUE, Queens**
Block 16047, Lot 58
Build it Back ID: **APP-002869**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3454-A**
PREMISES: **69-30 ALMEDA AVENUE, Queens**
Block 16047, Lot 45
Build it Back ID: **APP-012465**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3455-A**
PREMISES: **69-20 ALMEDA AVENUE, Queens**
Block 16047, Lot 40
Build it Back ID: **APP-017670**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3456-A**
PREMISES: **69-24 ALMEDA AVENUE, Queens**
Block 16047, Lot 42
Build it Back ID: **APP-022092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3457-A**
PREMISES: **69-32 ALMEDA AVENUE, Queens**
Block 16047, Lot 46
Build it Back ID: **APP-000585**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3458-A**
PREMISES: **69-42 ALMEDA AVENUE, Queens**
Block 16047, Lot 51
Build it Back ID: **APP-008793**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3459-A**
PREMISES: **69-54 ALMEDA AVENUE, Queens**
Block 16047, Lot 57
Build it Back ID: **APP-010567**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3460-A**
PREMISES: **69-12 ALMEDA AVENUE, Queens**
Block 16047, Lot 36
Build it Back ID: **APP-019947**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3461-A**
PREMISES: **69-31 ALMEDA AVENUE, Queens**
Block 16048, Lot 14
Build it Back ID: **APP-015080**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3462-A**
PREMISES: **567 BEACH 69 STREET, Queens**
Block 16048, Lot 27
Build it Back ID: **APP-016368**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 69 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3463-A**
PREMISES: **69-15 ALMEDA AVENUE, Queens**
Block 16048, Lot 22
Build it Back ID: **APP-023891**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3464-A**
PREMISES: **69-25 ALMEDA AVENUE, Queens**
Block 16048, Lot 16
Build it Back ID: **APP-000759**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3465-A**
PREMISES: **69-43 ALMEDA AVENUE, Queens**
Block 16048, Lot 10
Build it Back ID: **APP-015826**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3466-A**
PREMISES: **69-47 ALMEDA AVENUE, Queens**
Block 16048, Lot 9
Build it Back ID: **APP-019771**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3467-A**
PREMISES: **69-49 ALMEDA AVENUE, Queens**
Block 16048, Lot 8
Build it Back ID: **APP-021855**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3468-A**
PREMISES: **69-52 THURSBY AVENUE, Queens**
Block 16050, Lot 63
Build it Back ID: **APP-009843**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3469-A**
PREMISES: **69-32 THURSBY AVENUE, Queens**
Block 16050, Lot 46
Build it Back ID: **APP-011179**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3470-A**
PREMISES: **69-48 THURSBY AVENUE, Queens**
Block 16050, Lot 59
Build it Back ID: **APP-012636**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3471-A**
PREMISES: **69-40 THURSBY AVENUE, Queens**
Block 16050, Lot 55
Build it Back ID: **APP-016849**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3472-A**
PREMISES: **69-36 THURSBY AVENUE, Queens**
Block 16050, Lot 48
Build it Back ID: **APP-018554**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3473-A**
PREMISES: **69-38 THURSBY AVENUE, Queens**
Block 16050, Lot 53
Build it Back ID: **APP-024400**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3474-A**
PREMISES: **69-44 THURSBY AVENUE, Queens**
Block 16050, Lot 57
Build it Back ID: **APP-007196**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3475-A**
PREMISES: **69-22 THURSBY AVENUE, Queens**
Block 16050, Lot 42
Build it Back ID: **APP-020999**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3476-A**
PREMISES: **503 BEACH 69 STREET, Queens**
Block 16050, Lot 36
Build it Back ID: **APP-021377**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 69 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3477-A**
PREMISES: **69-15 THURSBY AVENUE, Queens**
Block 16051, Lot 17
Build it Back ID: **APP-025351**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3478-A**
PREMISES: **6921 THURSBY AVENUE, Queens**
Block 16051, Lot 16
Build it Back ID: **APP-002585**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3479-A**
PREMISES: **69-23 THURSBY AVENUE, Queens**
Block 16051, Lot 15
Build it Back ID: **APP-009194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3480-A**
PREMISES: **69-57 THURSBY AVENUE, Queens**
Block 16051, Lot 65
Build it Back ID: **APP-010045**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3481-A**
PREMISES: **69-43 THURSBY AVENUE, Queens**
Block 16051, Lot 6
Build it Back ID: **APP-010391**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3482-A**
PREMISES: **69-25 THURSBY AVENUE, Queens**
Block 16051, Lot 14
Build it Back ID: **APP-011174**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3483-A**
PREMISES: **69-27 THURSBY AVENUE, Queens**
Block 16051, Lot 13
Build it Back ID: **APP-011900**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3484-A**
PREMISES: **69-29 THURSBY AVENUE, Queens**
Block 16051, Lot 12
Build it Back ID: **APP-014757**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3485-A**
PREMISES: **69-49 THURSBY AVENUE, Queens**
Block 16051, Lot 3
Build it Back ID: **APP-017974**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3486-A**
PREMISES: **667 BEACH 72 STREET, Queens**
Block 16056, Lot 26
Build it Back ID: **APP-003312**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 72 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3487-A**
PREMISES: **72-16 ALMEDA AVENUE, Queens**
Block 16058, Lot 17
Build it Back ID: **APP-007678**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3488-A**
PREMISES: **72-28 ALMEDA AVENUE, Queens**
Block 16058, Lot 23
Build it Back ID: **APP-024234**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3489-A**
PREMISES: **72-04 ALMEDA AVENUE, Queens**
Block 16058, Lot 10
Build it Back ID: **APP-024962**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3490-A**
PREMISES: **564 BARBADOES DRIVE, Queens**
Block 16064, Lot 3
Build it Back ID: **APP-014016**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BARBADOES DRIVE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3491-A**
PREMISES: **72-50 BURCHELL AVENUE, Queens**
Block 16064, Lot 56
Build it Back ID: **APP-023166**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BURCHELL AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3492-A**
PREMISES: **122 BEACH 93 STREET, Queens**
Block 16138, Lot 11
Build it Back ID: **APP-020023**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 93 STREET within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3493-A**
PREMISES: **4 DOROTHY STREET, Staten Island**
Block 1977, Lot 6
Build it Back ID: **APP-003965**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DOROTHY STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3494-A**
PREMISES: **247 WIMAN AVENUE, Staten Island**
Block 5303, Lot 24
Build it Back ID: **APP-000318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3495-A**
PREMISES: **245 WIMAN AVENUE, Staten Island**
Block 5303, Lot 25
Build it Back ID: **APP-013663**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a C3A zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3496-A**
PREMISES: **250 WIMAN AVENUE, Staten Island**
Block 5306, Lot 76
Build it Back ID: **APP-003042**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WIMAN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3497-A**
PREMISES: **97 GLOVER STREET, Staten Island**
Block 5307, Lot 85
Build it Back ID: **APP-006491**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GLOVER STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3498-A**
PREMISES: **228 TENNYSON DRIVE, Staten Island**
Block 5307, Lot 83
Build it Back ID: **APP-007704**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TENNYSON DRIVE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a contemplated DEP Capital Project, the scope of which is unknown, is associated with the subject site but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016 the Department of Transportation ("DOT") states that there is a planned DOT Capital Project, the scope of which is not yet finalized, associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings and other structures, including exterior stairs, being set back at least 5 feet from the front lot line of the property; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further states that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings and other structures, including exterior stairs, be set back at least 5 feet from the front lot line of the property;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3499-A**
PREMISES: **120-03 LAKEVIEW BOULEVARD EAST, Queens**
Block 12250, Lot 12
Build it Back ID: **APP-007201**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LAKEVIEW BOULEVARD EAST within a R3A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3500-A**
PREMISES: **176-16 145 AVENUE, Queens**
Block 13290, Lot 37
Build it Back ID: **APP-015759**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 145 AVENUE within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3501-A**
PREMISES: **146-55 182 STREET, Queens**
Block 13356, Lot 3
Build it Back ID: **APP-001096**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 182 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3502-A**
PREMISES: **259-46 145 AVENUE, Queens**
Block 13601, Lot 35
Build it Back ID: **APP-010285**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 145 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3503-A**
PREMISES: **259-28 147 ROAD, Queens**
Block 13683, Lot 54
Build it Back ID: **APP-020642**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 147 ROAD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3504-A**
PREMISES: **235-08 BENTLEY ROAD, Queens**
Block 13735, Lot 24
Build it Back ID: **APP-022207**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BENTLEY ROAD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3505-A**
PREMISES: **159-53 100 STREET, Queens**
Block 14180, Lot 38
Build it Back ID: **APP-025371**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 100 STREET within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3506-A**
PREMISES: **100-02 160 AVENUE, Queens**
Block 14225, Lot 14
Build it Back ID: **APP-025305**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3507-A**
PREMISES: **43 WEST 11 ROAD, Queens**
Block 15315, Lot 68
Build it Back ID: **APP-001371**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3508-A**
PREMISES: **13 WEST 11 ROAD, Queens**
Block 15315, Lot 49
Build it Back ID: **APP-003426**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3509-A**
PREMISES: **15 WEST 11 ROAD, Queens**
Block 15315, Lot 51
Build it Back ID: **APP-003573**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3510-A**
PREMISES: **41 WEST 11 ROAD, Queens**
Block 15315, Lot 67
Build it Back ID: **APP-004577**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3511-A**
PREMISES: **11 WEST 11 ROAD, Queens**
Block 15315, Lot 48
Build it Back ID: **APP-005935**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3512-A**
PREMISES: **17 WEST 11 ROAD, Queens**
Block 15315, Lot 52
Build it Back ID: **APP-006533**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3513-A**
PREMISES: **45 WEST 11 ROAD, Queens**
Block 15315, Lot 69
Build it Back ID: **APP-007338**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3514-A**
PREMISES: **10-17 CROSS BAY BOULEVARD, Queens**
Block 15315, Lot 46
Build it Back ID: **APP-011260**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3515-A**
PREMISES: **27 WEST 11 ROAD, Queens**
Block 15315, Lot 58
Build it Back ID: **APP-012389**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3516-A**
PREMISES: **29 WEST 11 ROAD, Queens**
Block 15315, Lot 59
Build it Back ID: **APP-012869**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3517-A**
PREMISES: **19 WEST 11 ROAD, Queens**
Block 15315, Lot 53
Build it Back ID: **APP-013271**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3518-A**
PREMISES: **31 WEST 11 ROAD, Queens**
Block 15315, Lot 61
Build it Back ID: **APP-018871**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3519-A**
PREMISES: **51 WEST 11 ROAD, Queens**
Block 15315, Lot 73
Build it Back ID: **APP-019876**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3520-A**
PREMISES: **23 WEST 11 ROAD, Queens**
Block 15315, Lot 56
Build it Back ID: **APP-020092**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3521-A**
PREMISES: **25 WEST 11 ROAD, Queens**
Block 15315, Lot 57
Build it Back ID: **APP-020950**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3522-A**
PREMISES: **49 WEST 11 ROAD, Queens**
Block 15315, Lot 72
Build it Back ID: **APP-021198**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3523-A**
PREMISES: **47 WEST 11 ROAD, Queens**
Block 15315, Lot 70
Build it Back ID: **APP-021251**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3524-A**
PREMISES: **33 WEST 11 ROAD, Queens**
Block 15315, Lot 62
Build it Back ID: **APP-022925**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3525-A**
PREMISES: **35 WEST 11 ROAD, Queens**
Block 15315, Lot 63
Build it Back ID: **APP-024363**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3526-A**
PREMISES: **44 WEST 11 ROAD, Queens**
Block 15316, Lot 8
Build it Back ID: **APP-000470**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3527-A**
PREMISES: **12 WEST 11 ROAD, Queens**
Block 15316, Lot 28
Build it Back ID: **APP-000490**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3528-A**
PREMISES: **11-17 CROSSBAY BOULEVARD, Queens**
Block 15316, Lot 42
Build it Back ID: **APP-000627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3529-A**
PREMISES: **34 WEST 11 ROAD, Queens**
Block 15316, Lot 14
Build it Back ID: **APP-002209**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3530-A**
PREMISES: **23 West 12 ROAD, Queens**
Block 15316, Lot 53
Build it Back ID: **APP-002627**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on West 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3531-A**
PREMISES: **49 WEST 12 ROAD, Queens**
Block 15316, Lot 69
Build it Back ID: **APP-002943**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3532-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3532-A**
PREMISES: **24 WEST 11 ROAD, Queens**
Block 15316, Lot 21
Build it Back ID: **APP-003777**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3533-A**
PREMISES: **19 WEST 12 ROAD, Queens**
Block 15316, Lot 50
Build it Back ID: **APP-004686**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3534-A**
PREMISES: **43 WEST 12 ROAD, Queens**
Block 15316, Lot 66
Build it Back ID: **APP-004702**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3535-A**
PREMISES: **11 WEST 12 ROAD, Queens**
Block 15316, Lot 45
Build it Back ID: **APP-004917**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3536-A**
PREMISES: **35 12 ROAD, Queens**
Block 15316, Lot 61
Build it Back ID: **APP-004944**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3537-A**
PREMISES: **11-15 CROSSBAY BOULEVARD, Queens**
Block 15316, Lot 40
Build it Back ID: **APP-005928**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3538-A**
PREMISES: **28 WEST 11 ROAD, Queens**
Block 15316, Lot 18
Build it Back ID: **APP-006287**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3539-A**
PREMISES: **29 WEST 12 ROAD, Queens**
Block 15316, Lot 57
Build it Back ID: **APP-006419**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3540-A**
PREMISES: **21 WEST 12 ROAD, Queens**
Block 15316, Lot 51
Build it Back ID: **APP-006558**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3541-A**
PREMISES: **18 11 ROAD, Queens**
Block 15316, Lot 24
Build it Back ID: **APP-007167**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3542-A**
PREMISES: **50 WEST 11 ROAD, Queens**
Block 15316, Lot 4
Build it Back ID: **APP-007679**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3543-A**
PREMISES: **26 WEST 11 ROAD, Queens**
Block 15316, Lot 19
Build it Back ID: **APP-008750**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3544-A**
PREMISES: **15 WEST 12 ROAD, Queens**
Block 15316, Lot 48
Build it Back ID: **APP-012433**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3545-A**
PREMISES: **10 WEST 11 ROAD, Queens**
Block 15316, Lot 29
Build it Back ID: **APP-013082**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3546-A**
PREMISES: **45 WEST 12 ROAD, Queens**
Block 15316, Lot 67
Build it Back ID: **APP-014050**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3547-A**
PREMISES: **41 WEST 12 ROAD, Queens**
Block 15316, Lot 64
Build it Back ID: **APP-014398**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3548-A**
PREMISES: **46 WEST 11 ROAD, Queens**
Block 15316, Lot 6
Build it Back ID: **APP-014931**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3549-A**
PREMISES: **47 WEST 12 ROAD, Queens**
Block 15316, Lot 68
Build it Back ID: **APP-017276**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3550-A**
PREMISES: **20 WEST 11 ROAD, Queens**
Block 15316, Lot 23
Build it Back ID: **APP-017931**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3551-A**
PREMISES: **55 WEST 12 ROAD, Queens**
Block 15316, Lot 75
Build it Back ID: **APP-019394**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3552-A**
PREMISES: **17 WEST 12 ROAD, Queens**
Block 15316, Lot 49
Build it Back ID: **APP-021119**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3553-A**
PREMISES: **11-01 CROSS BAY BOULEVARD, Queens**
Block 15316, Lot 32
Build it Back ID: **APP-021682**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3554-A**
PREMISES: **14 WEST 11 ROAD, Queens**
Block 15316, Lot 27
Build it Back ID: **APP-021926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3555-A**
PREMISES: **25 WEST 12 ROAD, Queens**
Block 15316, Lot 54
Build it Back ID: **APP-022713**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3556-A**
PREMISES: **37 WEST 12 ROAD, Queens**
Block 15316, Lot 62
Build it Back ID: **APP-023783**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3557-A**
PREMISES: **12 WEST 12 ROAD, Queens**
Block 15317, Lot 32
Build it Back ID: **APP-001065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3558-A**
PREMISES: **30 WEST 12 ROAD, Queens**
Block 15317, Lot 20
Build it Back ID: **APP-001109**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3559-A**
PREMISES: **46 WEST 12 ROAD, Queens**
Block 15317, Lot 10
Build it Back ID: **APP-001150**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3560-A**
PREMISES: **32 WEST 12 ROAD, Queens**
Block 15317, Lot 19
Build it Back ID: **APP-001557**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3561-A**
PREMISES: **14 WEST 12 ROAD, Queens**
Block 15317, Lot 30
Build it Back ID: **APP-001756**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3562-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3562-A**
PREMISES: **50 WEST 12 ROAD, Queens**
Block 15317, Lot 7
Build it Back ID: **APP-002036**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3563-A**
PREMISES: **56 WEST 12 ROAD, Queens**
Block 15317, Lot 3
Build it Back ID: **APP-002039**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3564-A**
PREMISES: **33 WEST 13 ROAD, Queens**
Block 15317, Lot 64
Build it Back ID: **APP-002356**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3565-A**
PREMISES: **25 WEST 13 ROAD, Queens**
Block 15317, Lot 59
Build it Back ID: **APP-002486**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3566-A**
PREMISES: **26 WEST 12 ROAD, Queens**
Block 15317, Lot 22
Build it Back ID: **APP-002749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3567-A**
PREMISES: **24 WEST 12 ROAD, Queens**
Block 15317, Lot 24
Build it Back ID: **APP-003894**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3568-A**
PREMISES: **21 WEST 13 ROAD, Queens**
Block 15317, Lot 56
Build it Back ID: **APP-004245**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3569-A**
PREMISES: **18 WEST 12 ROAD, Queens**
Block 15317, Lot 28
Build it Back ID: **APP-004706**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3570-A**
PREMISES: **28 WEST 12 ROAD, Queens**
Block 15317, Lot 21
Build it Back ID: **APP-005522**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3571-A**
PREMISES: **48 WEST 12 ROAD, Queens**
Block 15317, Lot 8
Build it Back ID: **APP-005568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3572-A**
PREMISES: **36 WEST 12 ROAD, Queens**
Block 15317, Lot 16
Build it Back ID: **APP-007103**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3573-A**
PREMISES: **52 WEST 12 ROAD, Queens**
Block 15317, Lot 5
Build it Back ID: **APP-007444**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3574-A**
PREMISES: **47 WEST 13 ROAD, Queens**
Block 15317, Lot 71
Build it Back ID: **APP-007585**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3575-A**
PREMISES: **9 WEST 13 ROAD, Queens**
Block 15317, Lot 48
Build it Back ID: **APP-009119**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3576-A**
PREMISES: **35 WEST 13 ROAD, Queens**
Block 15317, Lot 65
Build it Back ID: **APP-010588**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3577-A**
PREMISES: **40 WEST 12 ROAD, Queens**
Block 15317, Lot 13
Build it Back ID: **APP-012320**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3578-A**
PREMISES: **34 WEST 12 ROAD, Queens**
Block 15317, Lot 17
Build it Back ID: **APP-012607**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3579-A**
PREMISES: **37 WEST 13 ROAD, Queens**
Block 15317, Lot 67
Build it Back ID: **APP-012948**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3580-A**
PREMISES: **27 WEST 13 ROAD, Queens**
Block 15317, Lot 60
Build it Back ID: **APP-013752**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3581-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3581-A**
PREMISES: **29 WEST 13 ROAD, Queens**
Block 15317, Lot 61
Build it Back ID: **APP-014706**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3582-A**
PREMISES: **53 WEST 13 ROAD, Queens**
Block 15317, Lot 77
Build it Back ID: **APP-015118**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3583-A
PREMISES: 42 WEST 12 ROAD, Queens
Block 15317, Lot 12
Build it Back ID: APP-021025

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3584-A**
PREMISES: **54 WEST 12 ROAD, Queens**
Block 15317, Lot 4
Build it Back ID: **APP-021246**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3585-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3585-A**
PREMISES: **17 WEST 13 ROAD, Queens**
Block 15317, Lot 53
Build it Back ID: **APP-021268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3586-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3586-A**
PREMISES: **22 WEST 12 ROAD, Queens**
Block 15317, Lot 25
Build it Back ID: **APP-021905**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-3587-A
PREMISES: 44 WEST 12 ROAD, Queens
Block 15317, Lot 11
Build it Back ID: APP-022361

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3588-A**
PREMISES: **16 WEST 12 ROAD, Queens**
Block 15317, Lot 29
Build it Back ID: **APP-022734**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3589-A**
PREMISES: **10 WEST 12 ROAD, Queens**
Block 15317, Lot 33
Build it Back ID: **APP-024613**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 12 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3590-A**
PREMISES: **51 WEST 13 ROAD, Queens**
Block 15317, Lot 76
Build it Back ID: **APP-013579**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3591-A**
PREMISES: **34 WEST 13 ROAD, Queens**
Block 15318, Lot 15
Build it Back ID: **APP-000020**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3592-A**
PREMISES: **38 WEST 13 ROAD, Queens**
Block 15318, Lot 12
Build it Back ID: **APP-000561**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-3593-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3593-A**
PREMISES: **13 WEST 14 ROAD, Queens**
Block 15318, Lot 44
Build it Back ID: **APP-000681**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3594-A**
PREMISES: **17 WEST 14 ROAD, Queens**
Block 15318, Lot 47
Build it Back ID: **APP-001076**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3595-A**
PREMISES: **49 WEST 14 ROAD, Queens**
Block 15318, Lot 67
Build it Back ID: **APP-001296**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3596-A**
PREMISES: **44 WEST 13 ROAD, Queens**
Block 15318, Lot 8
Build it Back ID: **APP-002100**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3597-A**
PREMISES: **48 WEST 13 ROAD, Queens**
Block 15318, Lot 6
Build it Back ID: **APP-002686**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3598-A**
PREMISES: **50 WEST 13 ROAD, Queens**
Block 15318, Lot 2
Build it Back ID: **APP-003051**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3599-A**
PREMISES: **51 WEST 14 ROAD, Queens**
Block 15318, Lot 68
Build it Back ID: **APP-003745**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3600-A**
PREMISES: **26 WEST 13 ROAD, Queens**
Block 15318, Lot 20
Build it Back ID: **APP-004980**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3601-A**
PREMISES: **33 WEST 14 ROAD, Queens**
Block 15318, Lot 56
Build it Back ID: **APP-005090**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3602-A**
PREMISES: **9 WEST 14 ROAD, Queens**
Block 15318, Lot 42
Build it Back ID: **APP-005475**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3603-A**
PREMISES: **30 WEST 13 ROAD, Queens**
Block 15318, Lot 17
Build it Back ID: **APP-006346**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3604-A**
PREMISES: **21 WEST 14 ROAD, Queens**
Block 15318, Lot 49
Build it Back ID: **APP-006626**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3605-A**
PREMISES: **15 WEST 14 ROAD, Queens**
Block 15318, Lot 46
Build it Back ID: **APP-007206**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3606-A**
PREMISES: **40 WEST 13 ROAD, Queens**
Block 15318, Lot 11
Build it Back ID: **APP-009422**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3607-A**
PREMISES: **14 WEST 13 ROAD, Queens**
Block 15318, Lot 27
Build it Back ID: **APP-011269**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3608-A**
PREMISES: **22 WEST 13 ROAD, Queens**
Block 15318, Lot 22
Build it Back ID: **APP-011609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3609-A**
PREMISES: **23 WEST 14 ROAD, Queens**
Block 15318, Lot 51
Build it Back ID: **APP-011977**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3610-A**
PREMISES: **43 WEST 14 RD, Queens**
Block 15318, Lot 63
Build it Back ID: **APP-016958**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 RD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3611-A**
PREMISES: **18 WEST 13 ROAD, Queens**
Block 15318, Lot 25
Build it Back ID: **APP-017919**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3612-A**
PREMISES: **45 WEST 14 ROAD, Queens**
Block 15318, Lot 65
Build it Back ID: **APP-020298**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3613-A**
PREMISES: **39 14 ROAD, Queens**
Block 15318, Lot 61
Build it Back ID: **APP-020744**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3614-A**
PREMISES: **24 WEST 13 ROAD, Queens**
Block 15318, Lot 21
Build it Back ID: **APP-021238**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3615-A**
PREMISES: **47 WEST 14 ROAD, Queens**
Block 15318, Lot 66
Build it Back ID: **APP-021336**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3616-A**
PREMISES: **35 WEST 14 ROAD, Queens**
Block 15318, Lot 58
Build it Back ID: **APP-022136**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3617-A**
PREMISES: **29 WEST 14 ROAD, Queens**
Block 15318, Lot 54
Build it Back ID: **APP-022285**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3618-A**
PREMISES: **32 WEST 13 ROAD, Queens**
Block 15318, Lot 16
Build it Back ID: **APP-024569**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3619-A**
PREMISES: **13-17 CROSSBAY BOULEVARD, Queens**
Block 15318, Lot 41
Build it Back ID: **APP-024861**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3620-A**
PREMISES: **12 WEST 14 ROAD, Queens**
Block 15319, Lot 28
Build it Back ID: **APP-000293**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3621-A**
PREMISES: **50 WEST 14 ROAD, Queens**
Block 15319, Lot 5
Build it Back ID: **APP-000747**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3622-A**
PREMISES: **56 WEST 14 ROAD, Queens**
Block 15319, Lot 1
Build it Back ID: **APP-001331**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3623-A**
PREMISES: **9 WEST 15 ROAD, Queens**
Block 15319, Lot 43
Build it Back ID: **APP-005751**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3624-A**
PREMISES: **38 WEST 14 ROAD, Queens**
Block 15319, Lot 12
Build it Back ID: **APP-007653**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3625-A**
PREMISES: **15 WEST 15 ROAD, Queens**
Block 15319, Lot 47
Build it Back ID: **APP-008128**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3626-A**
PREMISES: **14-03 CROSSBAY BOULEVARD, Queens**
Block 15319, Lot 33
Build it Back ID: **APP-008960**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3627-A**
PREMISES: **22 WEST 14 ROAD, Queens**
Block 15319, Lot 22
Build it Back ID: **APP-010079**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3628-A**
PREMISES: **10 WEST 14 ROAD, Queens**
Block 15319, Lot 30
Build it Back ID: **APP-014138**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3629-A**
PREMISES: **44 14 ROAD, Queens**
Block 15319, Lot 8
Build it Back ID: **APP-021702**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3630-A**
PREMISES: **24 WEST 14 ROAD, Queens**
Block 15319, Lot 21
Build it Back ID: **APP-022525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3631-A**
PREMISES: **42 WEST 14 ROAD, Queens**
Block 15319, Lot 10
Build it Back ID: **APP-024164**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3632-A**
PREMISES: **47 WEST 16 ROAD, Queens**
Block 15320, Lot 65
Build it Back ID: **APP-001499**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3633-A**
PREMISES: **32 WEST 15 ROAD, Queens**
Block 15320, Lot 16
Build it Back ID: **APP-001808**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3634-A**
PREMISES: **12 WEST 15 ROAD, Queens**
Block 15320, Lot 27
Build it Back ID: **APP-002233**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3635-A**
PREMISES: **9 WEST 16 ROAD, Queens**
Block 15320, Lot 43
Build it Back ID: **APP-002407**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3636-A**
PREMISES: **48 WEST 15 ROAD, Queens**
Block 15320, Lot 6
Build it Back ID: **APP-002644**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3637-A**
PREMISES: **30 WEST 15 ROAD, Queens**
Block 15320, Lot 17
Build it Back ID: **APP-003541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3638-A**
PREMISES: **10 WEST 15 ROAD, Queens**
Block 15320, Lot 30
Build it Back ID: **APP-003683**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3639-A**
PREMISES: **15-17 CROSSBAY BOULEVARD, Queens**
Block 15320, Lot 42
Build it Back ID: **APP-005290**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3640-A**
PREMISES: **49 WEST 16 ROAD, Queens**
Block 15320, Lot 68
Build it Back ID: **APP-005418**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3641-A**
PREMISES: **23 WEST 16 ROAD, Queens**
Block 15320, Lot 52
Build it Back ID: **APP-005599**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3642-A**
PREMISES: **18 WEST 15 ROAD, Queens**
Block 15320, Lot 25
Build it Back ID: **APP-007541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3643-A**
PREMISES: **16 WEST 15 ROAD, Queens**
Block 15320, Lot 26
Build it Back ID: **APP-009121**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3644-A**
PREMISES: **21 WEST 16 ROAD, Queens**
Block 15320, Lot 50
Build it Back ID: **APP-010144**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3645-A**
PREMISES: **34 WEST 15 ROAD, Queens**
Block 15320, Lot 15
Build it Back ID: **APP-010223**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3646-A**
PREMISES: **25 WEST 16 ROAD, Queens**
Block 15320, Lot 53
Build it Back ID: **APP-010562**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3647-A**
PREMISES: **11 WEST 16 ROAD, Queens**
Block 15320, Lot 44
Build it Back ID: **APP-011203**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3648-A**
PREMISES: **40 WEST 15 ROAD, Queens**
Block 15320, Lot 12
Build it Back ID: **APP-014150**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3649-A**
PREMISES: **44 WEST 15 ROAD, Queens**
Block 15320, Lot 11
Build it Back ID: **APP-016064**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3650-A**
PREMISES: **24 WEST 15 ROAD, Queens**
Block 15320, Lot 21
Build it Back ID: **APP-016098**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3651-A**
PREMISES: **52 WEST 15 ROAD, Queens**
Block 15320, Lot 3
Build it Back ID: **APP-016773**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3652-A**
PREMISES: **46 WEST 15 ROAD, Queens**
Block 15320, Lot 8
Build it Back ID: **APP-018673**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3653-A**
PREMISES: **20 15 ROAD, Queens**
Block 15320, Lot 23
Build it Back ID: **APP-019380**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 15 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3654-A**
PREMISES: **17 WEST 16 ROAD, Queens**
Block 15320, Lot 48
Build it Back ID: **APP-020125**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3655-A**
PREMISES: **65 WEST 16 ROAD, Queens**
Block 15320, Lot 78
Build it Back ID: **APP-022352**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3656-A**
PREMISES: **13 WEST 16 ROAD, Queens**
Block 15320, Lot 45
Build it Back ID: **APP-024525**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3657-A**
PREMISES: **15 WEST 16 ROAD, Queens**
Block 15320, Lot 47
Build it Back ID: **APP-024800**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3658-A**
PREMISES: **12 WEST 16 ROAD, Queens**
Block 15321, Lot 35
Build it Back ID: **APP-003221**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3659-A**
PREMISES: **16 WEST 16 ROAD, Queens**
Block 15321, Lot 32
Build it Back ID: **APP-004351**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3660-A**
PREMISES: **60 WEST 16 ROAD, Queens**
Block 15321, Lot 5
Build it Back ID: **APP-005947**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3661-A**
PREMISES: **20 WEST 16 ROAD, Queens**
Block 15321, Lot 30
Build it Back ID: **APP-005952**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3662-A**
PREMISES: **57 WEST 17 ROAD, Queens**
Block 15321, Lot 79
Build it Back ID: **APP-008817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3663-A**
PREMISES: **59 WEST 17 ROAD, Queens**
Block 15321, Lot 81
Build it Back ID: **APP-008820**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3664-A**
PREMISES: **36 WEST 16 ROAD, Queens**
Block 15321, Lot 15
Build it Back ID: **APP-010546**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3665-A**
PREMISES: **22 WEST 16 ROAD, Queens**
Block 15321, Lot 28
Build it Back ID: **APP-011317**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3666-A**
PREMISES: **69 WEST 17 ROAD, Queens**
Block 15321, Lot 86
Build it Back ID: **APP-012135**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3667-A**
PREMISES: **9 WEST 17 RD, Queens**
Block 15321, Lot 50
Build it Back ID: **APP-014386**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 RD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3668-A**
PREMISES: **16-17 CROSS BAY BOULEVARD, Queens**
Block 15321, Lot 48
Build it Back ID: **APP-014949**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3669-A**
PREMISES: **50 WEST 16 ROAD, Queens**
Block 15321, Lot 10
Build it Back ID: **APP-021876**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3670-A**
PREMISES: **10 WEST 16 ROAD, Queens**
Block 15321, Lot 36
Build it Back ID: **APP-023657**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3671-A**
PREMISES: **14 WEST 16 RD, Queens**
Block 15321, Lot 33
Build it Back ID: **APP-023919**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 RD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3672-A**
PREMISES: **19 17 ROAD, Queens**
Block 15321, Lot 56
Build it Back ID: **APP-025752**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3673-A**
PREMISES: **24 WEST 16 ROAD, Queens**
Block 15321, Lot 27
Build it Back ID: **APP-021902**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 16 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3674-A**
PREMISES: **17-17 CROSSBAY BOULEVARD, Queens**
Block 15322, Lot 50
Build it Back ID: **APP-000268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3675-A**
PREMISES: **25 WEST 18 ROAD, Queens**
Block 15322, Lot 60
Build it Back ID: **APP-003015**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3676-A**
PREMISES: **79 WEST 18 ROAD, Queens**
Block 15322, Lot 95
Build it Back ID: **APP-005328**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3677-A**
PREMISES: **77 WEST 18 ROAD, Queens**
Block 15322, Lot 92
Build it Back ID: **APP-008112**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3678-A**
PREMISES: **67 WEST 18 ROAD, Queens**
Block 15322, Lot 86
Build it Back ID: **APP-011350**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3679-A**
PREMISES: **73 WEST 18 ROAD, Queens**
Block 15322, Lot 91
Build it Back ID: **APP-011567**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3680-A**
PREMISES: **50 WEST 17 ROAD, Queens**
Block 15322, Lot 12
Build it Back ID: **APP-013848**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3681-A**
PREMISES: **40 WEST 17 ROAD, Queens**
Block 15322, Lot 20
Build it Back ID: **APP-018414**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3682-A**
PREMISES: **71 WEST 18 ROAD, Queens**
Block 15322, Lot 88
Build it Back ID: **APP-021093**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3683-A**
PREMISES: **63 WEST 18 ROAD, Queens**
Block 15322, Lot 81
Build it Back ID: **APP-021236**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3684-A**
PREMISES: **46 WEST 18 ROAD, Queens**
Block 15323, Lot 23
Build it Back ID: **APP-000421**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3685-A**
PREMISES: **18-01 CROSS BAY BOULEVARD, Queens**
Block 15323, Lot 48
Build it Back ID: **APP-000486**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3686-A**
PREMISES: **56 WEST 18 ROAD, Queens**
Block 15323, Lot 17
Build it Back ID: **APP-001392**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3687-A**
PREMISES: **62 WEST 18 ROAD, Queens**
Block 15323, Lot 13
Build it Back ID: **APP-001655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3688-A**
PREMISES: **22 WEST 18 ROAD, Queens**
Block 15323, Lot 38
Build it Back ID: **APP-001981**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3689-A**
PREMISES: **50 WEST 18 ROAD, Queens**
Block 15323, Lot 21
Build it Back ID: **APP-002225**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3690-A**
PREMISES: **20 WEST 18 ROAD, Queens**
Block 15323, Lot 40
Build it Back ID: **APP-003609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3691-A**
PREMISES: **52 WEST 18 ROAD, Queens**
Block 15323, Lot 20
Build it Back ID: **APP-005239**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3692-A**
PREMISES: **24 WEST 18 ROAD, Queens**
Block 15323, Lot 37
Build it Back ID: **APP-005987**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3693-A**
PREMISES: **72 WEST 18 ROAD, Queens**
Block 15323, Lot 7
Build it Back ID: **APP-008741**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3694-A**
PREMISES: **64 WEST 18 ROAD, Queens**
Block 15323, Lot 12
Build it Back ID: **APP-009986**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3695-A**
PREMISES: **60 WEST 18 ROAD, Queens**
Block 15323, Lot 15
Build it Back ID: **APP-013292**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3696-A**
PREMISES: **38 WEST 18 ROAD, Queens**
Block 15323, Lot 27
Build it Back ID: **APP-018142**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3697-A**
PREMISES: **63 WEST 19 ROAD, Queens**
Block 15323, Lot 84
Build it Back ID: **APP-019518**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 19 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3698-A**
PREMISES: **54 WEST 18 ROAD, Queens**
Block 15323, Lot 18
Build it Back ID: **APP-025480**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3699-A**
PREMISES: **12 WEST 18 ROAD, Queens**
Block 15323, Lot 45
Build it Back ID: **APP-014034**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3700-A**
PREMISES: **18-17 CROSSBAY BOULEVARD, Queens**
Block 15323, Lot 57
Build it Back ID: **APP-002383**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3701-A**
PREMISES: **18 WEST 19 ROAD, Queens**
Block 15324, Lot 31
Build it Back ID: **APP-005387**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 19 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3702-A**
PREMISES: **16 WEST 19 ROAD, Queens**
Block 15324, Lot 33
Build it Back ID: **APP-014298**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 19 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3703-A**
PREMISES: **10 WEST 19 ROAD, Queens**
Block 15324, Lot 35
Build it Back ID: **APP-023770**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 19 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3704-A**
PREMISES: **131 Beach 98th St, Queens**
Block 15324, Lot 37
Build it Back ID: **APP-024037**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 98th St within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3705-A**
PREMISES: **101 EAST 6 ROAD, Queens**
Block 15400, Lot 19
Build it Back ID: **APP-001536**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3706-A**
PREMISES: **123 EAST 6 ROAD, Queens**
Block 15400, Lot 5
Build it Back ID: **APP-001671**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3707-A**
PREMISES: **119 EAST 6 ROAD, Queens**
Block 15400, Lot 6
Build it Back ID: **APP-002367**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3708-A**
PREMISES: **115 EAST 6 ROAD, Queens**
Block 15400, Lot 10
Build it Back ID: **APP-002791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3709-A**
PREMISES: **552 CROSSBAY BOULEVARD, Queens**
Block 15400, Lot 33
Build it Back ID: **APP-004067**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3710-A**
PREMISES: **15 EAST 6 ROAD, Queens**
Block 15400, Lot 27
Build it Back ID: **APP-004485**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3711-A**
PREMISES: **9 EAST 6 ROAD, Queens**
Block 15400, Lot 30
Build it Back ID: **APP-007637**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3712-A**
PREMISES: **107 EAST 6 ROAD, Queens**
Block 15400, Lot 15
Build it Back ID: **APP-008286**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3713-A**
PREMISES: **13 EAST 6 ROAD, Queens**
Block 15400, Lot 28
Build it Back ID: **APP-010186**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3714-A**
PREMISES: **103 EAST 6 ROAD, Queens**
Block 15400, Lot 17
Build it Back ID: **APP-021403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3715-A**
PREMISES: **18 EAST 6 ROAD, Queens**
Block 15451, Lot 21
Build it Back ID: **APP-019772**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3716-A**
PREMISES: **16 EAST 6 ROAD, Queens**
Block 15451, Lot 18
Build it Back ID: **APP-025219**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3717-A**
PREMISES: **14 EAST 6 ROAD, Queens**
Block 15451, Lot 18
Build it Back ID: **APP-023996**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3718-A**
PREMISES: **120 EAST 6 ROAD, Queens**
Block 15454, Lot 12
Build it Back ID: **APP-000313**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3719-A**
PREMISES: **122 EAST 6 ROAD, Queens**
Block 15454, Lot 13
Build it Back ID: **APP-001410**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3720-A**
PREMISES: **124 EAST 6 ROAD, Queens**
Block 15454, Lot 15
Build it Back ID: **APP-003795**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3721-A**
PREMISES: **112 EAST 6 ROAD, Queens**
Block 15454, Lot 7
Build it Back ID: **APP-006524**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3722-A**
PREMISES: **116 EAST 6 ROAD, Queens**
Block 15454, Lot 10
Build it Back ID: **APP-011423**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3723-A**
PREMISES: **106 EAST 6 ROAD, Queens**
Block 15454, Lot 3
Build it Back ID: **APP-015840**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3724-A**
PREMISES: **118 EAST 6 ROAD, Queens**
Block 15454, Lot 11
Build it Back ID: **APP-022152**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3725-A**
PREMISES: **126 EAST 6 ROAD, Queens**
Block 15454, Lot 16
Build it Back ID: **APP-023060**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3726-A**
PREMISES: **114 EAST 6 ROAD, Queens**
Block 15454, Lot 8
Build it Back ID: **APP-025112**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3727-A**
PREMISES: **607 WEST ROAD, Queens**
Block 15457, Lot 8
Build it Back ID: **APP-000327**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3728-A**
PREMISES: **206 EAST 6 ROAD, Queens**
Block 15457, Lot 3
Build it Back ID: **APP-009619**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3729-A**
PREMISES: **208 EAST 6 ROAD, Queens**
Block 15457, Lot 5
Build it Back ID: **APP-012687**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3730-A**
PREMISES: **204 EAST 6 ROAD, Queens**
Block 15457, Lot 1
Build it Back ID: **APP-024725**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3731-A**
PREMISES: **23 EAST 10 ROAD, Queens**
Block 15461, Lot 23
Build it Back ID: **APP-004717**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3732-A**
PREMISES: **19 EAST 10 ROAD, Queens**
Block 15461, Lot 27
Build it Back ID: **APP-007161**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3733-A**
PREMISES: **17 EAST 10 ROAD, Queens**
Block 15461, Lot 28
Build it Back ID: **APP-012319**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3734-A**
PREMISES: **916 CROSSBAY BOULEVARD, Queens**
Block 15461, Lot 1
Build it Back ID: **APP-013473**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3735-A**
PREMISES: **13 EAST TENTH ROAD, Queens**
Block 15461, Lot 30
Build it Back ID: **APP-015387**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST TENTH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3736-A**
PREMISES: **9 EAST 10 ROAD, Queens**
Block 15461, Lot 33
Build it Back ID: **APP-016468**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3737-A**
PREMISES: **21 EAST 10 ROAD, Queens**
Block 15461, Lot 25
Build it Back ID: **APP-019080**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3738-A**
PREMISES: **210 EAST 8 ROAD, Queens**
Block 15464, Lot 5
Build it Back ID: **APP-007409**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3739-A**
PREMISES: **212 EAST 8 ROAD, Queens**
Block 15464, Lot 6
Build it Back ID: **APP-016122**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 8 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3740-A**
PREMISES: **802 LANARK ROAD, Queens**
Block 15466, Lot 11
Build it Back ID: **APP-003548**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on LANARK ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3741-A**
PREMISES: **1001 CHANNEL ROAD, Queens**
Block 15475, Lot 25
Build it Back ID: **APP-003899**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3742-A**
PREMISES: **10-22 CROSSBAY BOULEVARD, Queens**
Block 15475, Lot 11
Build it Back ID: **APP-006154**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3743-A**
PREMISES: **1003 CHANNEL ROAD, Queens**
Block 15475, Lot 26
Build it Back ID: **APP-010500**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3744-A**
PREMISES: **10-18 CROSSBAY BOULEVARD, Queens**
Block 15475, Lot 13
Build it Back ID: **APP-024608**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSSBAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3745-A**
PREMISES: **1004 CHANNEL ROAD, Queens**
Block 15476, Lot 8
Build it Back ID: **APP-012570**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANNEL ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3746-A**
PREMISES: **10-05 CHURCH ROAD, Queens**
Block 15476, Lot 6
Build it Back ID: **APP-021609**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHURCH ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3747-A**
PREMISES: **1204 CROSS BAY BOULEVARD, Queens**
Block 15477, Lot 22
Build it Back ID: **APP-010401**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3748-A**
PREMISES: **12-02 CROSS BAY BOULEVARD, Queens**
Block 15477, Lot 23
Build it Back ID: **APP-021043**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3749-A**
PREMISES: **13-42 CHANDLER STREET, Queens**
Block 15660, Lot 1
Build it Back ID: **APP-016335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CHANDLER STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3750-A**
PREMISES: **14-14 WATERLOO PLACE, Queens**
Block 15695, Lot 3
Build it Back ID: **APP-002529**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WATERLOO PLACE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3751-A**
PREMISES: **29-42 WESTBOURNE AVENUE, Queens**
Block 15695, Lot 1
Build it Back ID: **APP-025060**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WESTBOURNE AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3752-A**
PREMISES: **14-20 WATERLOO PLACE, Queens**
Block 15695, Lot 5
Build it Back ID: **APP-025508**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WATERLOO PLACE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3753-A**
PREMISES: **29-56 BAYSWATER AVENUE, Queens**
Block 15697, Lot 1
Build it Back ID: **APP-013424**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BAYSWATER AVENUE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3754-A**
PREMISES: **14-15 WATERLOO PLACE, Queens**
Block 15699, Lot 29
Build it Back ID: **APP-023872**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WATERLOO PLACE within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3755-A**
PREMISES: **14-11 DUNBAR STREET, Queens**
Block 15701, Lot 92
Build it Back ID: **APP-003288**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DUNBAR STREET within a R1-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3756-A**
PREMISES: **12-20 NORTON DRIVE, Queens**
Block 15724, Lot 49
Build it Back ID: **APP-008442**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3757-A**
PREMISES: **12-30 NORTON DRIVE, Queens**
Block 15724, Lot 53
Build it Back ID: **APP-020020**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3758-A**
PREMISES: **12-24 NORTON DRIVE, Queens**
Block 15724, Lot 51
Build it Back ID: **APP-022009**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3759-A**
PREMISES: **12-36 NORTON DRIVE, Queens**
Block 15724, Lot 55
Build it Back ID: **APP-025143**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3760-A**
PREMISES: **11-64 NORTON DRIVE, Queens**
Block 15726, Lot 17
Build it Back ID: **APP-000580**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3761-A**
PREMISES: **11-68 NORTON DRIVE, Queens**
Block 15726, Lot 19
Build it Back ID: **APP-001600**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3762-A**
PREMISES: **12-13 NORTON DRIVE, Queens**
Block 15728, Lot 38
Build it Back ID: **APP-008074**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3763-A**
PREMISES: **502 BEACH 67 STREET, Queens**
Block 16033, Lot 1
Build it Back ID: **APP-025157**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 67 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3764-A**
PREMISES: **454 B 65 STREET, Queens**
Block 16038, Lot 35
Build it Back ID: **APP-005997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on B 65 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3765-A**
PREMISES: **64-03 THURSBY AVENUE, Queens**
Block 16038, Lot 39
Build it Back ID: **APP-011161**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3766-A**
PREMISES: **69-28 ALMEDA AVENUE, Queens**
Block 16047, Lot 44
Build it Back ID: **APP-025195**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3767-A**
PREMISES: **72-60 BURCHELL AVENUE, Queens**
Block 16064, Lot 57
Build it Back ID: **APP-023291**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BURCHELL AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3768-A**
PREMISES: **347 BEACH 73 STREET, Queens**
Block 16078, Lot 8
Build it Back ID: **APP-006451**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 73 STREET within a M1-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3769-A**
PREMISES: **885 TRAVIS AVENUE, Staten Island**
Block 2110, Lot 3
Build it Back ID: **APP-018995**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on TRAVIS AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3770-A**
PREMISES: **245 NORWAY AVENUE, Staten Island**
Block 3248, Lot 151
Build it Back ID: **APP-021531**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORWAY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3771-A**
PREMISES: **67A SCOTT AVENUE, Staten Island**
Block 3393, Lot 131
Build it Back ID: **APP-013162**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3772-A**
PREMISES: **89 SCOTT AVENUE, Staten Island**
Block 3393, Lot 45
Build it Back ID: **APP-015336**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3773-A**
PREMISES: **63B SCOTT AVENUE, Staten Island**
Block 3393, Lot 130
Build it Back ID: **APP-020018**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3774-A**
PREMISES: **94 SCOTT AVENUE, Staten Island**
Block 3394, Lot 42
Build it Back ID: **APP-002539**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3775-A**
PREMISES: **71 APPLEBY AVENUE, Staten Island**
Block 3394, Lot 29
Build it Back ID: **APP-003160**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3776-A**
PREMISES: **73 APPLEBY AVENUE, Staten Island**
Block 3394, Lot 30
Build it Back ID: **APP-003166**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3777-A**
PREMISES: **257 QUINTARD STREET, Staten Island**
Block 3394, Lot 38
Build it Back ID: **APP-006094**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINTARD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3778-A**
PREMISES: **9 APPLEBY AVENUE, Staten Island**
Block 3394, Lot 1
Build it Back ID: **APP-010530**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3779-A**
PREMISES: **29 APPLEBY AVENUE, Staten Island**
Block 3394, Lot 9
Build it Back ID: **APP-017378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3780-A**
PREMISES: **88 SCOTT AVENUE, Staten Island**
Block 3394, Lot 46
Build it Back ID: **APP-019499**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3781-A**
PREMISES: **10 APPLEBY AVENUE, Staten Island**
Block 3395, Lot 90
Build it Back ID: **APP-002959**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3782-A**
PREMISES: **54 APPLEBY AVENUE, Staten Island**
Block 3395, Lot 70
Build it Back ID: **APP-009350**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3783-A**
PREMISES: **26 APPLEBY AVENUE, Staten Island**
Block 3395, Lot 84
Build it Back ID: **APP-012542**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on APPLEBY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3784-A**
PREMISES: **39 NUGENT AVENUE, Staten Island**
Block 3395, Lot 20
Build it Back ID: **APP-017553**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3785-A**
PREMISES: **27 NUGENT AVENUE, Staten Island**
Block 3395, Lot 14
Build it Back ID: **APP-019481**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3786-A**
PREMISES: **33 NUGENT AVENUE, Staten Island**
Block 3395, Lot 17
Build it Back ID: **APP-021389**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3787-A**
PREMISES: **15 NUGENT AVENUE, Staten Island**
Block 3395, Lot 9
Build it Back ID: **APP-022127**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NUGENT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3788-A**
PREMISES: **2 WINFIELD STREET, Staten Island**
Block 3398, Lot 99
Build it Back ID: **APP-016811**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINFIELD STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3789-A**
PREMISES: **70 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 46
Build it Back ID: **APP-001708**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3790-A**
PREMISES: **54 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 38
Build it Back ID: **APP-002424**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3791-A**
PREMISES: **78 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 49
Build it Back ID: **APP-003984**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3792-A**
PREMISES: **68 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 45
Build it Back ID: **APP-004316**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3793-A**
PREMISES: **62 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 42
Build it Back ID: **APP-004784**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3794-A**
PREMISES: **10 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 12
Build it Back ID: **APP-018164**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3795-A**
PREMISES: **50 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 34
Build it Back ID: **APP-025048**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3796-A**
PREMISES: **56 WENTWORTH AVENUE, Staten Island**
Block 3410, Lot 40
Build it Back ID: **APP-025100**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WENTWORTH AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3797-A**
PREMISES: **106 PEARSALL STREET, Staten Island**
Block 3417, Lot 202
Build it Back ID: **APP-013634**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARSALL STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3798-A**
PREMISES: **104 PEARSALL STREET, Staten Island**
Block 3417, Lot 201
Build it Back ID: **APP-018108**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARSALL STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3799-A**
PREMISES: **112 PEARSALL STREET, Staten Island**
Block 3417, Lot 208
Build it Back ID: **APP-019690**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PEARSALL STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3800-A**
PREMISES: **157 VULCAN STREET, Staten Island**
Block 3417, Lot 211
Build it Back ID: **APP-020560**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on VULCAN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3801-A**
PREMISES: **216 OLYMPIA BOULEVARD, Staten Island**
Block 3417, Lot 98
Build it Back ID: **APP-020993**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3802-A**
PREMISES: **272 OLYMPIA BOULEVARD, Staten Island**
Block 3418, Lot 10
Build it Back ID: **APP-009666**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3803-A**
PREMISES: **355 HAMDEN AVENUE, Staten Island**
Block 3687, Lot 22
Build it Back ID: **APP-000619**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3804-A**
PREMISES: **309 HAMDEN AVENUE, Staten Island**
Block 3687, Lot 8
Build it Back ID: **APP-014947**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3805-A**
PREMISES: **471 MIDLAND AVENUE, Staten Island**
Block 3735, Lot 9
Build it Back ID: **APP-012655**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3806-A**
PREMISES: **491 MIDLAND AVENUE, Staten Island**
Block 3736, Lot 10
Build it Back ID: **APP-015717**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3807-A**
PREMISES: **162 KISWICK STREET, Staten Island**
Block 3736, Lot 29
Build it Back ID: **APP-020762**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISWICK STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3808-A**
PREMISES: **529 MIDLAND AVENUE, Staten Island**
Block 3798, Lot 1
Build it Back ID: **APP-005458**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MIDLAND AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3809-A**
PREMISES: **731 BUEL AVENUE, Staten Island**
Block 3837, Lot 3
Build it Back ID: **APP-000157**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3810-A**
PREMISES: **610 QUINCY AVENUE, Staten Island**
Block 3837, Lot 16
Build it Back ID: **APP-000201**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3811-A**
PREMISES: **729 BUEL AVENUE, Staten Island**
Block 3837, Lot 4
Build it Back ID: **APP-008144**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3812-A**
PREMISES: **735 BUEL AVENUE, Staten Island**
Block 3837, Lot 1
Build it Back ID: **APP-009897**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3813-A**
PREMISES: **713 BUEL AVENUE, Staten Island**
Block 3837, Lot 13
Build it Back ID: **APP-012182**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3814-A**
PREMISES: **715 BUEL AVENUE, Staten Island**
Block 3837, Lot 12
Build it Back ID: **APP-014916**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3815-A**
PREMISES: **733 BUEL AVENUE, Staten Island**
Block 3837, Lot 2
Build it Back ID: **APP-018816**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3816-A**
PREMISES: **622 QUINCY AVENUE, Staten Island**
Block 3838, Lot 17
Build it Back ID: **APP-008324**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3817-A**
PREMISES: **620 QUINCY AVENUE, Staten Island**
Block 3838, Lot 18
Build it Back ID: **APP-008327**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on QUINCY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3818-A**
PREMISES: **834 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 72
Build it Back ID: **APP-004130**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3819-A**
PREMISES: **832 PATTERSON AVENUE, Staten Island**
Block 3873, Lot 71
Build it Back ID: **APP-004263**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PATTERSON AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3820-A**
PREMISES: **421 OAK AVENUE, Staten Island**
Block 4000, Lot 5
Build it Back ID: **APP-015540**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3821-A**
PREMISES: **415 OAK AVENUE, Staten Island**
Block 4000, Lot 8
Build it Back ID: **APP-024475**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OAK AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3822-A**
PREMISES: **503 FALCON AVENUE, Staten Island**
Block 4017, Lot 26
Build it Back ID: **APP-012021**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FALCON AVENUE within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3823-A**
PREMISES: **487 OLD MILL ROAD, Staten Island**
Block 4030, Lot 30
Build it Back ID: **APP-006319**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLD MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3824-A**
PREMISES: **475 MILL ROAD, Staten Island**
Block 4030, Lot 22
Build it Back ID: **APP-007051**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3825-A**
PREMISES: **458 STONEHAM STREET, Staten Island**
Block 4030, Lot 4
Build it Back ID: **APP-007403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on STONEHAM STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3826-A**
PREMISES: **479 MILL ROAD, Staten Island**
Block 4030, Lot 26
Build it Back ID: **APP-012463**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3827-A**
PREMISES: **477 MILL ROAD, Staten Island**
Block 4030, Lot 24
Build it Back ID: **APP-023637**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3828-A**
PREMISES: **481 MILL ROAD, Staten Island**
Block 4030, Lot 27
Build it Back ID: **APP-025403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3829-A**
PREMISES: **65 MILTON AVENUE, Staten Island**
Block 4043, Lot 29
Build it Back ID: **APP-002983**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3830-A**
PREMISES: **39 MILTON AVENUE, Staten Island**
Block 4043, Lot 15
Build it Back ID: **APP-006651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3831-A**
PREMISES: **13 MILTON AVENUE, Staten Island**
Block 4043, Lot 1
Build it Back ID: **APP-008875**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3832-A**
PREMISES: **91 MILTON AVENUE, Staten Island**
Block 4043, Lot 41
Build it Back ID: **APP-009979**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3833-A**
PREMISES: **93 MILTON AVENUE, Staten Island**
Block 4043, Lot 42
Build it Back ID: **APP-010551**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3834-A**
PREMISES: **41 MILTON AVENUE, Staten Island**
Block 4043, Lot 19
Build it Back ID: **APP-011839**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3835-A**
PREMISES: **99 MILTON AVENUE, Staten Island**
Block 4043, Lot 45
Build it Back ID: **APP-012203**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3836-A**
PREMISES: **75 MILTON AVENUE, Staten Island**
Block 4043, Lot 33
Build it Back ID: **APP-013490**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3837-A**
PREMISES: **19 MILTON AVENUE, Staten Island**
Block 4043, Lot 6
Build it Back ID: **APP-020800**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3838-A**
PREMISES: **71 MILTON AVENUE, Staten Island**
Block 4043, Lot 31
Build it Back ID: **APP-023829**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3839-A**
PREMISES: **16 MILTON AVENUE, Staten Island**
Block 4045, Lot 17
Build it Back ID: **APP-011372**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3840-A**
PREMISES: **17 FINLEY AVENUE, Staten Island**
Block 4045, Lot 19
Build it Back ID: **APP-011403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3841-A**
PREMISES: **37 FINLEY AVENUE, Staten Island**
Block 4045, Lot 44
Build it Back ID: **APP-013054**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3842-A**
PREMISES: **4 MILTON AVENUE, Staten Island**
Block 4045, Lot 21
Build it Back ID: **APP-014586**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3843-A**
PREMISES: **26 MILTON AVENUE, Staten Island**
Block 4045, Lot 13
Build it Back ID: **APP-019250**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3844-A**
PREMISES: **652 NEW DORP LANE, Staten Island**
Block 4045, Lot 24
Build it Back ID: **APP-025530**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3845-A**
PREMISES: **69 FINLEY AVENUE, Staten Island**
Block 4046, Lot 37
Build it Back ID: **APP-003699**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3846-A**
PREMISES: **81 FINLEY AVENUE, Staten Island**
Block 4046, Lot 41
Build it Back ID: **APP-005051**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3847-A**
PREMISES: **98 MILTON AVENUE, Staten Island**
Block 4046, Lot 6
Build it Back ID: **APP-007998**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3848-A**
PREMISES: **14 BEACON PLACE, Staten Island**
Block 4046, Lot 31
Build it Back ID: **APP-009243**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3849-A**
PREMISES: **100 MILTON AVENUE, Staten Island**
Block 4046, Lot 4
Build it Back ID: **APP-010866**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3850-A**
PREMISES: **86 MILTON AVENUE, Staten Island**
Block 4046, Lot 10
Build it Back ID: **APP-012622**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3851-A**
PREMISES: **6 BEACON PLACE, Staten Island**
Block 4046, Lot 27
Build it Back ID: **APP-018711**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3852-A**
PREMISES: **10 BEACON PLACE, Staten Island**
Block 4046, Lot 29
Build it Back ID: **APP-020634**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3853-A**
PREMISES: **8 BEACON PLACE, Staten Island**
Block 4046, Lot 28
Build it Back ID: **APP-021205**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3854-A**
PREMISES: **12 BEACON PLACE, Staten Island**
Block 4046, Lot 30
Build it Back ID: **APP-021772**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3855-A**
PREMISES: **64 MILTON AVENUE, Staten Island**
Block 4046, Lot 20
Build it Back ID: **APP-013411**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3856-A**
PREMISES: **107 MILTON AVENUE, Staten Island**
Block 4049, Lot 58
Build it Back ID: **APP-001484**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3857-A**
PREMISES: **143 MILTON AVENUE, Staten Island**
Block 4049, Lot 78
Build it Back ID: **APP-003817**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3858-A**
PREMISES: **139 MILTON AVENUE, Staten Island**
Block 4049, Lot 73
Build it Back ID: **APP-004303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3859-A**
PREMISES: **127 MILTON AVENUE, Staten Island**
Block 4049, Lot 68
Build it Back ID: **APP-007755**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3860-A**
PREMISES: **135 MILTON AVENUE, Staten Island**
Block 4049, Lot 72
Build it Back ID: **APP-014869**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3861-A**
PREMISES: **173 MILTON AVENUE, Staten Island**
Block 4049, Lot 91
Build it Back ID: **APP-016242**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3862-A**
PREMISES: **149 MILTON AVENUE, Staten Island**
Block 4049, Lot 80
Build it Back ID: **APP-019979**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3863-A**
PREMISES: **165 FINLEY AVENUE, Staten Island**
Block 4050, Lot 85
Build it Back ID: **APP-002055**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3864-A**
PREMISES: **156 MILTON AVENUE, Staten Island**
Block 4050, Lot 20
Build it Back ID: **APP-002261**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3865-A**
PREMISES: **168 MILTON AVENUE, Staten Island**
Block 4050, Lot 15
Build it Back ID: **APP-002304**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3866-A**
PREMISES: **142 MILTON AVENUE, Staten Island**
Block 4050, Lot 27
Build it Back ID: **APP-003820**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3867-A**
PREMISES: **170 MILTON AVENUE, Staten Island**
Block 4050, Lot 13
Build it Back ID: **APP-005072**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3868-A**
PREMISES: **138 MILTON AVENUE, Staten Island**
Block 4050, Lot 29
Build it Back ID: **APP-005098**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3869-A**
PREMISES: **134 MILTON AVENUE, Staten Island**
Block 4050, Lot 31
Build it Back ID: **APP-005249**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3870-A**
PREMISES: **178 MILTON AVENUE, Staten Island**
Block 4050, Lot 9
Build it Back ID: **APP-005529**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3871-A**
PREMISES: **132 MILTON AVENUE, Staten Island**
Block 4050, Lot 32
Build it Back ID: **APP-007703**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3872-A**
PREMISES: **126 MILTON AVENUE, Staten Island**
Block 4050, Lot 36
Build it Back ID: **APP-012425**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3873-A**
PREMISES: **152 MILTON AVENUE, Staten Island**
Block 4050, Lot 23
Build it Back ID: **APP-016409**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3874-A**
PREMISES: **164 MILTON AVENUE, Staten Island**
Block 4050, Lot 16
Build it Back ID: **APP-017814**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3875-A**
PREMISES: **132A MILTON AVENUE, Staten Island**
Block 4050, Lot 33
Build it Back ID: **APP-019550**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3876-A**
PREMISES: **160 MILTON AVENUE, Staten Island**
Block 4050, Lot 18
Build it Back ID: **APP-019700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3877-A**
PREMISES: **151 FINLEY AVENUE, Staten Island**
Block 4050, Lot 71
Build it Back ID: **APP-024596**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3878-A**
PREMISES: **29 HETT AVENUE, Staten Island**
Block 4064, Lot 48
Build it Back ID: **APP-000994**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3879-A**
PREMISES: **33 HETT AVENUE, Staten Island**
Block 4064, Lot 50
Build it Back ID: **APP-003052**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3880-A**
PREMISES: **21 HETT AVENUE, Staten Island**
Block 4064, Lot 60
Build it Back ID: **APP-008398**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3881-A**
PREMISES: **13 HETT AVENUE, Staten Island**
Block 4064, Lot 38
Build it Back ID: **APP-008403**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3882-A**
PREMISES: **25 HETT AVENUE, Staten Island**
Block 4064, Lot 46
Build it Back ID: **APP-012392**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3883-A**
PREMISES: **30 FINLEY AVENUE, Staten Island**
Block 4064, Lot 15
Build it Back ID: **APP-013790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3884-A**
PREMISES: **14 FINLEY AVENUE, Staten Island**
Block 4064, Lot 23
Build it Back ID: **APP-015120**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3885-A**
PREMISES: **27 HETT AVENUE, Staten Island**
Block 4064, Lot 47
Build it Back ID: **APP-018700**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3886-A**
PREMISES: **44 FINLEY AVENUE, Staten Island**
Block 4064, Lot 8
Build it Back ID: **APP-023208**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3887-A**
PREMISES: **49 BEACON PLACE, Staten Island**
Block 4065, Lot 8
Build it Back ID: **APP-001668**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3888-A**
PREMISES: **55 BEACON PLACE, Staten Island**
Block 4065, Lot 4
Build it Back ID: **APP-004554**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3889-A**
PREMISES: **33 ROMA AVENUE, Staten Island**
Block 4065, Lot 50
Build it Back ID: **APP-008842**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3890-A**
PREMISES: **47 BEACON PLACE, Staten Island**
Block 4065, Lot 9
Build it Back ID: **APP-010016**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3891-A**
PREMISES: **710 NEW DORP LANE, Staten Island**
Block 4065, Lot 38
Build it Back ID: **APP-012171**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3892-A**
PREMISES: **32 HETT AVENUE, Staten Island**
Block 4065, Lot 14
Build it Back ID: **APP-014868**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3893-A**
PREMISES: **45 ROMA AVENUE, Staten Island**
Block 4065, Lot 55
Build it Back ID: **APP-015790**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3894-A**
PREMISES: **25 ROMA AVENUE, Staten Island**
Block 4065, Lot 47
Build it Back ID: **APP-016474**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3895-A**
PREMISES: **81 HETT AVENUE, Staten Island**
Block 4066, Lot 50
Build it Back ID: **APP-000749**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3896-A**
PREMISES: **55 MARINE WAY, Staten Island**
Block 4066, Lot 7
Build it Back ID: **APP-001478**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3897-A**
PREMISES: **79A HETT AVENUE, Staten Island**
Block 4066, Lot 47
Build it Back ID: **APP-004848**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3898-A**
PREMISES: **57 MARINE WAY, Staten Island**
Block 4066, Lot 6
Build it Back ID: **APP-005830**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3899-A**
PREMISES: **79B HETT AVENUE, Staten Island**
Block 4066, Lot 48
Build it Back ID: **APP-007924**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3900-A**
PREMISES: **24 BEACON PLACE, Staten Island**
Block 4066, Lot 30
Build it Back ID: **APP-013126**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3901-A**
PREMISES: **84B FINLEY AVENUE, Staten Island**
Block 4066, Lot 14
Build it Back ID: **APP-013462**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3902-A**
PREMISES: **49 MARINE WAY, Staten Island**
Block 4066, Lot 9
Build it Back ID: **APP-015841**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3903-A**
PREMISES: **84A FINLEY AVENUE, Staten Island**
Block 4066, Lot 15
Build it Back ID: **APP-017187**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3904-A**
PREMISES: **26 BEACON PLACE, Staten Island**
Block 4066, Lot 31
Build it Back ID: **APP-019358**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3905-A**
PREMISES: **77 HETT AVENUE, Staten Island**
Block 4066, Lot 46
Build it Back ID: **APP-024268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3906-A**
PREMISES: **77 ROMA AVENUE, Staten Island**
Block 4067, Lot 51
Build it Back ID: **APP-000303**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3907-A**
PREMISES: **76 HETT AVENUE, Staten Island**
Block 4067, Lot 20
Build it Back ID: **APP-001143**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3908-A**
PREMISES: **99 ROMA AVENUE, Staten Island**
Block 4067, Lot 1
Build it Back ID: **APP-003701**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3909-A**
PREMISES: **58 HETT AVENUE, Staten Island**
Block 4067, Lot 29
Build it Back ID: **APP-003954**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3910-A**
PREMISES: **82 HETT AVENUE, Staten Island**
Block 4067, Lot 16
Build it Back ID: **APP-004268**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3911-A**
PREMISES: **94 HETT AVENUE, Staten Island**
Block 4067, Lot 10
Build it Back ID: **APP-004361**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3912-A**
PREMISES: **83 ROMA AVENUE, Staten Island**
Block 4067, Lot 53
Build it Back ID: **APP-004368**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3913-A**
PREMISES: **54 BEACON PLACE, Staten Island**
Block 4067, Lot 40
Build it Back ID: **APP-005872**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3914-A**
PREMISES: **62 BEACON PLACE, Staten Island**
Block 4067, Lot 42
Build it Back ID: **APP-007753**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3915-A**
PREMISES: **55 ROMA AVENUE, Staten Island**
Block 4067, Lot 43
Build it Back ID: **APP-010523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3916-A**
PREMISES: **58 BEACON PLACE, Staten Island**
Block 4067, Lot 41
Build it Back ID: **APP-010942**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3917-A**
PREMISES: **73 ROMA AVENUE, Staten Island**
Block 4067, Lot 49
Build it Back ID: **APP-010951**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3918-A**
PREMISES: **69 ROMA AVENUE, Staten Island**
Block 4067, Lot 47
Build it Back ID: **APP-011498**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3919-A**
PREMISES: **68 HETT AVENUE, Staten Island**
Block 4067, Lot 24
Build it Back ID: **APP-014347**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3920-A**
PREMISES: **65 ROMA AVENUE, Staten Island**
Block 4067, Lot 45
Build it Back ID: **APP-015039**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3921-A**
PREMISES: **85 ROMA AVENUE, Staten Island**
Block 4067, Lot 55
Build it Back ID: **APP-015563**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3922-A**
PREMISES: **72 HETT AVENUE, Staten Island**
Block 4067, Lot 22
Build it Back ID: **APP-021641**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3923-A**
PREMISES: **145 HETT AVENUE, Staten Island**
Block 4068, Lot 72
Build it Back ID: **APP-000115**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3924-A**
PREMISES: **117C HETT AVENUE, Staten Island**
Block 4068, Lot 61
Build it Back ID: **APP-001709**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3925-A**
PREMISES: **167 HETT AVENUE, Staten Island**
Block 4068, Lot 79
Build it Back ID: **APP-002323**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3926-A**
PREMISES: **130 FINLEY AVENUE, Staten Island**
Block 4068, Lot 31
Build it Back ID: **APP-002432**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3927-A**
PREMISES: **170 FINLEY AVENUE, Staten Island**
Block 4068, Lot 11
Build it Back ID: **APP-002764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3928-A**
PREMISES: **129 HETT AVENUE, Staten Island**
Block 4068, Lot 65
Build it Back ID: **APP-003304**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3929-A**
PREMISES: **155 EBBITTS STREET, Staten Island**
Block 4068, Lot 8
Build it Back ID: **APP-003780**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3930-A**
PREMISES: **139 HETT AVENUE, Staten Island**
Block 4068, Lot 69
Build it Back ID: **APP-004772**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3931-A**
PREMISES: **156 FINLEY AVENUE, Staten Island**
Block 4068, Lot 18
Build it Back ID: **APP-006997**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3932-A**
PREMISES: **117B HETT AVENUE, Staten Island**
Block 4068, Lot 60
Build it Back ID: **APP-008884**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3933-A**
PREMISES: **151 HETT AVENUE, Staten Island**
Block 4068, Lot 74
Build it Back ID: **APP-009225**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3934-A**
PREMISES: **153 HETT AVENUE, Staten Island**
Block 4068, Lot 77
Build it Back ID: **APP-009763**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3935-A**
PREMISES: **140 FINLEY AVENUE, Staten Island**
Block 4068, Lot 25
Build it Back ID: **APP-010982**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3936-A**
PREMISES: **157 HETT AVENUE, Staten Island**
Block 4068, Lot 75
Build it Back ID: **APP-011388**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3937-A**
PREMISES: **108 FINLEY AVENUE, Staten Island**
Block 4068, Lot 43
Build it Back ID: **APP-011434**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3938-A**
PREMISES: **167 EBBITTS STREET, Staten Island**
Block 4068, Lot 1
Build it Back ID: **APP-011847**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3939-A**
PREMISES: **150 FINLEY AVENUE, Staten Island**
Block 4068, Lot 22
Build it Back ID: **APP-012422**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3940-A**
PREMISES: **138 FINLEY AVENUE, Staten Island**
Block 4068, Lot 28
Build it Back ID: **APP-012854**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3941-A**
PREMISES: **131 HETT AVENUE, Staten Island**
Block 4068, Lot 166
Build it Back ID: **APP-013390**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3942-A**
PREMISES: **181 HETT AVENUE, Staten Island**
Block 4068, Lot 85
Build it Back ID: **APP-014501**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3943-A**
PREMISES: **60 MARINE WAY, Staten Island**
Block 4068, Lot 49
Build it Back ID: **APP-014595**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3944-A**
PREMISES: **133 HETT AVENUE, Staten Island**
Block 4068, Lot 67
Build it Back ID: **APP-015326**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3945-A**
PREMISES: **171 HETT AVENUE, Staten Island**
Block 4068, Lot 81
Build it Back ID: **APP-016852**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3946-A**
PREMISES: **175 HETT AVENUE, Staten Island**
Block 4068, Lot 83
Build it Back ID: **APP-017212**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3947-A**
PREMISES: **134 FINLEY AVENUE, Staten Island**
Block 4068, Lot 30
Build it Back ID: **APP-018912**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3948-A**
PREMISES: **149 HETT AVENUE, Staten Island**
Block 4068, Lot 73
Build it Back ID: **APP-021669**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3949-A**
PREMISES: **137 HETT AVENUE, Staten Island**
Block 4068, Lot 68
Build it Back ID: **APP-022056**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3950-A**
PREMISES: **62 MARINE WAY, Staten Island**
Block 4068, Lot 50
Build it Back ID: **APP-022380**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3951-A**
PREMISES: **115 HETT AVENUE, Staten Island**
Block 4068, Lot 58
Build it Back ID: **APP-025031**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3952-A**
PREMISES: **180 HETT AVENUE, Staten Island**
Block 4069, Lot 13
Build it Back ID: **APP-000028**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3953-A**
PREMISES: **188 HETT AVENUE, Staten Island**
Block 4069, Lot 110
Build it Back ID: **APP-001138**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3954-A**
PREMISES: **138 HETT AVENUE, Staten Island**
Block 4069, Lot 31
Build it Back ID: **APP-002502**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3955-A**
PREMISES: **161 ROMA AVENUE, Staten Island**
Block 4069, Lot 75
Build it Back ID: **APP-002905**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3956-A**
PREMISES: **115 ROMA AVENUE, Staten Island**
Block 4069, Lot 52
Build it Back ID: **APP-003677**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3957-A**
PREMISES: **160 HETT AVENUE, Staten Island**
Block 4069, Lot 17
Build it Back ID: **APP-004119**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3958-A**
PREMISES: **137 ROMA AVENUE, Staten Island**
Block 4069, Lot 64
Build it Back ID: **APP-004312**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3959-A**
PREMISES: **152 HETT AVENUE, Staten Island**
Block 4069, Lot 24
Build it Back ID: **APP-006393**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3960-A**
PREMISES: **134 HETT AVENUE, Staten Island**
Block 4069, Lot 133
Build it Back ID: **APP-006707**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3961-A**
PREMISES: **131 ROMA AVENUE, Staten Island**
Block 4069, Lot 61
Build it Back ID: **APP-008363**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3962-A**
PREMISES: **135 ROMA AVENUE, Staten Island**
Block 4069, Lot 63
Build it Back ID: **APP-008828**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3963-A**
PREMISES: **136 HETT AVENUE, Staten Island**
Block 4069, Lot 33
Build it Back ID: **APP-011906**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3964-A**
PREMISES: **159 ROMA AVENUE, Staten Island**
Block 4069, Lot 74
Build it Back ID: **APP-014821**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3965-A**
PREMISES: **182 HETT AVENUE, Staten Island**
Block 4069, Lot 111
Build it Back ID: **APP-015799**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3966-A**
PREMISES: **157 ROMA AVENUE, Staten Island**
Block 4069, Lot 72
Build it Back ID: **APP-016651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3967-A**
PREMISES: **148 HETT AVENUE, Staten Island**
Block 4069, Lot 27
Build it Back ID: **APP-024199**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3968-A**
PREMISES: **144 HETT AVENUE, Staten Island**
Block 4069, Lot 29
Build it Back ID: **APP-025694**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3969-A**
PREMISES: **170 EBBITTS STREET, Staten Island**
Block 4070, Lot 51
Build it Back ID: **APP-014898**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3970-A**
PREMISES: **22 ROMA AVENUE, Staten Island**
Block 4076, Lot 13
Build it Back ID: **APP-000476**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3971-A**
PREMISES: **32 DUSTIN STREET, Staten Island**
Block 4076, Lot 10
Build it Back ID: **APP-009566**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DUSTIN STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3972-A**
PREMISES: **46 ROMA AVENUE, Staten Island**
Block 4076, Lot 1
Build it Back ID: **APP-017530**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3973-A**
PREMISES: **42 ROMA AVENUE, Staten Island**
Block 4076, Lot 4
Build it Back ID: **APP-025482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3974-A**
PREMISES: **60 ROMA AVENUE, Staten Island**
Block 4077, Lot 21
Build it Back ID: **APP-000335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3975-A**
PREMISES: **82 ROMA AVENUE, Staten Island**
Block 4077, Lot 8
Build it Back ID: **APP-000827**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3976-A**
PREMISES: **70 ROMA AVENUE, Staten Island**
Block 4077, Lot 16
Build it Back ID: **APP-011899**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3977-A**
PREMISES: **145 MARINE WAY, Staten Island**
Block 4085, Lot 19
Build it Back ID: **APP-000174**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3978-A**
PREMISES: **137 MARINE WAY, Staten Island**
Block 4085, Lot 24
Build it Back ID: **APP-006777**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3979-A**
PREMISES: **167 MARINE WAY, Staten Island**
Block 4085, Lot 9
Build it Back ID: **APP-006863**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3980-A**
PREMISES: **157 MARINE WAY, Staten Island**
Block 4085, Lot 13
Build it Back ID: **APP-012112**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3981-A**
PREMISES: **163 MARINE WAY, Staten Island**
Block 4085, Lot 11
Build it Back ID: **APP-012631**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3982-A**
PREMISES: **131 MARINE WAY, Staten Island**
Block 4085, Lot 29
Build it Back ID: **APP-015503**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3983-A**
PREMISES: **150 MARINE WAY, Staten Island**
Block 4086, Lot 17
Build it Back ID: **APP-001493**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3984-A**
PREMISES: **122 MARINE WAY, Staten Island**
Block 4086, Lot 28
Build it Back ID: **APP-001928**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3985-A**
PREMISES: **152 MARINE WAY, Staten Island**
Block 4086, Lot 10
Build it Back ID: **APP-002387**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3986-A**
PREMISES: **124 MARINE WAY, Staten Island**
Block 4086, Lot 27
Build it Back ID: **APP-006611**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3987-A**
PREMISES: **128 MARINE WAY, Staten Island**
Block 4086, Lot 24
Build it Back ID: **APP-012956**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3988-A**
PREMISES: **108 MARINE WAY, Staten Island**
Block 4086, Lot 34
Build it Back ID: **APP-017155**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3989-A**
PREMISES: **121 CEDAR GROVE AVENUE, Staten Island**
Block 4086, Lot 1
Build it Back ID: **APP-021542**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CEDAR GROVE AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3990-A**
PREMISES: **172 ROMA AVENUE, Staten Island**
Block 4088, Lot 10
Build it Back ID: **APP-000514**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3991-A**
PREMISES: **138 ROMA AVENUE, Staten Island**
Block 4088, Lot 25
Build it Back ID: **APP-002479**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3992-A**
PREMISES: **140 ROMA AVENUE, Staten Island**
Block 4088, Lot 24
Build it Back ID: **APP-003027**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3993-A**
PREMISES: **164 ROMA AVENUE, Staten Island**
Block 4088, Lot 14
Build it Back ID: **APP-005449**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3994-A**
PREMISES: **136 ROMA AVENUE, Staten Island**
Block 4088, Lot 26
Build it Back ID: **APP-006527**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3995-A**
PREMISES: **166 ROMA AVENUE, Staten Island**
Block 4088, Lot 13
Build it Back ID: **APP-006778**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3996-A**
PREMISES: **176 ROMA AVENUE, Staten Island**
Block 4088, Lot 8
Build it Back ID: **APP-020900**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3997-A**
PREMISES: **3 KISSAM AVENUE, Staten Island**
Block 4160, Lot 52
Build it Back ID: **APP-017447**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on KISSAM AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3998-A**
PREMISES: **454 ARTHUR KILL ROAD, Staten Island**
Block 5450, Lot 43
Build it Back ID: **APP-011999**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ARTHUR KILL ROAD within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-3999-A**
PREMISES: **2 CORTELYOU AVENUE, Staten Island**
Block 5494, Lot 49
Build it Back ID: **APP-001502**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CORTELYOU AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4000-A**
PREMISES: **60 WEST 17 ROAD, Staten Island**
Block 15322, Lot 1
Build it Back ID: **APP-020085**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a single family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4001-A**
PREMISES: **3527 BARNES AVENUE, Bronx**
Block 4660, Lot 65
Build it Back ID: **APP-006621**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BARNES AVENUE within a R6A zoning district, in Bronx; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4002-A**
PREMISES: **146-38 176 STREET, Queens**
Block 13305, Lot 26
Build it Back ID: **APP-008319**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 176 STREET within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4003-A**
PREMISES: **221-10 145 ROAD, Queens**
Block 13469, Lot 39
Build it Back ID: **APP-000864**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 145 ROAD within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4004-A**
PREMISES: **259-36 145 AVENUE, Queens**
Block 13601, Lot 27
Build it Back ID: **APP-013712**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 145 AVENUE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4005-A**
PREMISES: **142-37 HOOK CREEK BOULEVARD, Queens**
Block 13627, Lot 60
Build it Back ID: **APP-019335**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOOK CREEK BOULEVARD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4006-A**
PREMISES: **147-64 259 STREET, Queens**
Block 13671, Lot 63
Build it Back ID: **APP-023358**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 259 STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4007-A**
PREMISES: **259-27 147 DRIVE, Queens**
Block 13683, Lot 24
Build it Back ID: **APP-016756**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 147 DRIVE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4008-A**
PREMISES: **259-62 147 DRIVE, Queens**
Block 13684, Lot 97
Build it Back ID: **APP-022482**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 147 DRIVE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4009-A**
PREMISES: **259-82 148 DRIVE, Queens**
Block 13689, Lot 40
Build it Back ID: **APP-023406**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 148 DRIVE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4010-A**
PREMISES: **148-05 HOOK CREEK BOULEVARD, Queens**
Block 13694, Lot 11
Build it Back ID: **APP-024794**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HOOK CREEK BOULEVARD within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4011-A**
PREMISES: **262-25 HUNGRY HARBOR ROAD, Queens**
Block 13695, Lot 29
Build it Back ID: **APP-018964**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNGRY HARBOR ROAD partially within a R3X zoning district and partially within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4012-A**
PREMISES: **262-16 HUNGRY HARBOR ROAD, Queens**
Block 13696, Lot 9
Build it Back ID: **APP-017642**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HUNGRY HARBOR ROAD within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4013-A**
PREMISES: **236-01 148 DRIVE, Queens**
Block 13736, Lot 10
Build it Back ID: **APP-003405**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 148 DRIVE within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4014-A**
PREMISES: **99-16 160 AVENUE, Queens**
Block 14225, Lot 7
Build it Back ID: **APP-012369**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on 160 AVENUE within a R3-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4015-A**
PREMISES: **52 WEST 11 ROAD, Queens**
Block 15316, Lot 2
Build it Back ID: **APP-019318**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 11 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4016-A**
PREMISES: **10 WEST 13 ROAD, Queens**
Block 15318, Lot 29
Build it Back ID: **APP-021075**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 13 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4017-A**
PREMISES: **14 WEST 14 ROAD, Queens**
Block 15319, Lot 27
Build it Back ID: **APP-004568**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4018-A**
PREMISES: **15-01 CROSS BAY BOULEVARD, Queens**
Block 15320, Lot 32
Build it Back ID: **APP-004121**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CROSS BAY BOULEVARD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4019-A**
PREMISES: **14 WEST 17 ROAD, Queens**
Block 15322, Lot 32
Build it Back ID: **APP-023190**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 17 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4020-A**
PREMISES: **34 WEST 18 ROAD, Queens**
Block 15323, Lot 30
Build it Back ID: **APP-000213**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4021-A**
PREMISES: **28 WEST 18 ROAD, Queens**
Block 15323, Lot 32
Build it Back ID: **APP-000400**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4022-A**
PREMISES: **26 WEST 18 ROAD, Queens**
Block 15323, Lot 36
Build it Back ID: **APP-006955**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: March 8, 2016
CALENDAR NO.: 2016-4023-A
PREMISES: 18 WEST 18 ROAD, Queens
Block 15323, Lot 41
Build it Back ID: APP-024937

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 18 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4024-A**
PREMISES: **28 WEST 19 ROAD, Queens**
Block 15324, Lot 26
Build it Back ID: **APP-006545**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 19 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4025-A**
PREMISES: **109 EAST 6 ROAD, Queens**
Block 15400, Lot 14
Build it Back ID: **APP-006363**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4026-A**
PREMISES: **111 EAST 6 ROAD, Queens**
Block 15400, Lot 12
Build it Back ID: **APP-007731**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4027-A**
PREMISES: **110 EAST 6 ROAD, Queens**
Block 15454, Lot 6
Build it Back ID: **APP-000604**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 6 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4028-A**
PREMISES: **15 EAST 10 ROAD, Queens**
Block 15461, Lot 29
Build it Back ID: **APP-012346**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EAST 10 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4029-A**
PREMISES: **13-41 PINSON STREET, Queens**
Block 15660, Lot 64
Build it Back ID: **APP-011247**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on PINSON STREET within a R3X zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4030-A**
PREMISES: **12-03 NORTON DRIVE, Queens**
Block 15728, Lot 46
Build it Back ID: **APP-005378**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4031-A**
PREMISES: **12-09 NORTON DRIVE, Queens**
Block 15728, Lot 41
Build it Back ID: **APP-008981**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4032-A**
PREMISES: **12-17 NORTON DRIVE, Queens**
Block 15728, Lot 33
Build it Back ID: **APP-021523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4033-A**
PREMISES: **12-25 NORTON DRIVE, Queens**
Block 15728, Lot 31
Build it Back ID: **APP-022450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORTON DRIVE within a R2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4034-A**
PREMISES: **64-20 THURSBY AVENUE, Queens**
Block 16031, Lot 1
Build it Back ID: **APP-020393**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4035-A**
PREMISES: **65-08 THURSBY AVENUE, Queens**
Block 16032, Lot 58
Build it Back ID: **APP-011194**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4036-A**
PREMISES: **65-16 THURSBY AVENUE, Queens**
Block 16032, Lot 61
Build it Back ID: **APP-011285**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4037-A**
PREMISES: **504 BEACH 68 STREET, Queens**
Block 16034, Lot 1
Build it Back ID: **APP-011446**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 68 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4038-A**
PREMISES: **468 BEACH 64 STREET, Queens**
Block 16037, Lot 39
Build it Back ID: **APP-023438**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 64 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4039-A**
PREMISES: **469 BEACH 63 STREET, Queens**
Block 16037, Lot 40
Build it Back ID: **APP-025294**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 63 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4040-A**
PREMISES: **467 BEACH 67 STREET, Queens**
Block 16041, Lot 38
Build it Back ID: **APP-016900**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 67 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4041-A**
PREMISES: **601 BEACH 69 STREET, Queens**
Block 16047, Lot 35
Build it Back ID: **APP-011894**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 69 STREET within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4042-A**
PREMISES: **69-52 ALMEDA AVENUE, Queens**
Block 16047, Lot 56
Build it Back ID: **APP-012417**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4043-A**
PREMISES: **69-45 THURSBY AVENUE, Queens**
Block 16051, Lot 4
Build it Back ID: **APP-021996**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on THURSBY AVENUE within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4044-A**
PREMISES: **71-10 AMSTEL BOULEVARD, Queens**
Block 16053, Lot 63
Build it Back ID: **APP-007800**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on AMSTEL BOULEVARD within a R5A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4045-A**
PREMISES: **72-18 ALMEDA AVENUE, Queens**
Block 16058, Lot 18
Build it Back ID: **APP-007950**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4046-A**
PREMISES: **72-36 ALMEDA AVENUE, Queens**
Block 16058, Lot 28
Build it Back ID: **APP-015005**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4047-A**
PREMISES: **72-54 ALMEDA AVENUE, Queens**
Block 16058, Lot 37
Build it Back ID: **APP-015992**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ALMEDA AVENUE within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4048-A**
PREMISES: **87-10 ROCKAWAY BEACH BLVD, Queens**
Block 16121, Lot 145
Build it Back ID: **APP-012980**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BLVD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4049-A**
PREMISES: **88-16 ROCKAWAY BEACH BOULEVARD, Queens**
Block 16123, Lot 95
Build it Back ID: **APP-010791**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD within a R5D zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4050-A**
PREMISES: **91-18 ROCKAWAY BEACH BOULEVARD, Queens**
Block 16125, Lot 114
Build it Back ID: **APP-003157**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROCKAWAY BEACH BOULEVARD partially within a R5B zoning district and partially within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4051-A**
PREMISES: **92-01 DESOTA ROAD, Queens**
Block 16127, Lot 13
Build it Back ID: **APP-003305**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DESOTA ROAD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4052-A**
PREMISES: **92-03 DESOTA ROAD, Queens**
Block 16127, Lot 12
Build it Back ID: **APP-020880**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on DESOTA ROAD within a R4-1 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4053-A**
PREMISES: **199 BEACH 95 STREET, Queens**
Block 16168, Lot 46
Build it Back ID: **APP-006039**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 95 STREET within a R5B zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4054-A**
PREMISES: **305 NORWAY AVENUE, Staten Island**
Block 3252, Lot 49
Build it Back ID: **APP-011743**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORWAY AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4055-A**
PREMISES: **83 SCOTT AVENUE, Staten Island**
Block 3393, Lot 42
Build it Back ID: **APP-011484**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4056-A**
PREMISES: **274 NORWAY AVENUE, Staten Island**
Block 3395, Lot 95
Build it Back ID: **APP-022727**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NORWAY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4057-A**
PREMISES: **16 ANDREWS STREET, Staten Island**
Block 3411, Lot 10
Build it Back ID: **APP-021240**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ANDREWS STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4058-A**
PREMISES: **319 HAMDEN AVENUE, Staten Island**
Block 3687, Lot 10
Build it Back ID: **APP-006678**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4059-A**
PREMISES: **315 HAMDEN AVENUE, Staten Island**
Block 3687, Lot 9
Build it Back ID: **APP-008354**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4060-A**
PREMISES: **339 HAMDEN AVENUE, Staten Island**
Block 3687, Lot 19
Build it Back ID: **APP-015764**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HAMDEN AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4061-A**
PREMISES: **719 BUEL AVENUE, Staten Island**
Block 3837, Lot 10
Build it Back ID: **APP-004005**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BUEL AVENUE within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4062-A**
PREMISES: **18 IROQUOIS STREET, Staten Island**
Block 3860, Lot 1
Build it Back ID: **APP-015657**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on IROQUOIS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4063-A**
PREMISES: **97 MILTON AVENUE, Staten Island**
Block 4043, Lot 44
Build it Back ID: **APP-001117**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4064-A**
PREMISES: **57 MILTON AVENUE, Staten Island**
Block 4043, Lot 26
Build it Back ID: **APP-006450**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4065-A**
PREMISES: **59 MILTON AVENUE, Staten Island**
Block 4043, Lot 27
Build it Back ID: **APP-010658**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4066-A**
PREMISES: **55 MILTON AVENUE, Staten Island**
Block 4043, Lot 25
Build it Back ID: **APP-014843**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4067-A**
PREMISES: **80 MILTON AVENUE, Staten Island**
Block 4046, Lot 12
Build it Back ID: **APP-011449**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4068-A**
PREMISES: **70 MILTON AVENUE, Staten Island**
Block 4046, Lot 18
Build it Back ID: **APP-013152**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4069-A**
PREMISES: **83 FINLEY AVENUE, Staten Island**
Block 4046, Lot 47
Build it Back ID: **APP-017753**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4070-A**
PREMISES: **62 MILTON AVENUE, Staten Island**
Block 4046, Lot 22
Build it Back ID: **APP-018118**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4071-A**
PREMISES: **113 MILTON AVENUE, Staten Island**
Block 4049, Lot 60
Build it Back ID: **APP-003325**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4072-A**
PREMISES: **141 MILTON AVENUE, Staten Island**
Block 4049, Lot 76
Build it Back ID: **APP-004913**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4073-A**
PREMISES: **157 FINLEY AVENUE, Staten Island**
Block 4050, Lot 77
Build it Back ID: **APP-000766**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4074-A**
PREMISES: **174 MILTON AVENUE, Staten Island**
Block 4050, Lot 11
Build it Back ID: **APP-007228**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MILTON AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4075-A**
PREMISES: **177 FINLEY AVENUE, Staten Island**
Block 4050, Lot 1
Build it Back ID: **APP-009729**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4076-A**
PREMISES: **138 EBBITTS STREET, Staten Island**
Block 4057, Lot 48
Build it Back ID: **APP-004272**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on EBBITTS STREET within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4077-A**
PREMISES: **682 NEW DORP LANE, Staten Island**
Block 4064, Lot 27
Build it Back ID: **APP-007651**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4078-A**
PREMISES: **15 HETT AVENUE, Staten Island**
Block 4064, Lot 40
Build it Back ID: **APP-015823**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4079-A**
PREMISES: **37 ROMA AVENUE, Staten Island**
Block 4065, Lot 53
Build it Back ID: **APP-003803**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4080-A**
PREMISES: **28 HETT AVENUE, Staten Island**
Block 4065, Lot 15
Build it Back ID: **APP-023594**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4081-A**
PREMISES: **76 FINLEY AVENUE, Staten Island**
Block 4066, Lot 18
Build it Back ID: **APP-011586**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4082-A**
PREMISES: **78 FINLEY AVENUE, Staten Island**
Block 4066, Lot 17
Build it Back ID: **APP-011594**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4083-A**
PREMISES: **88 FINLEY AVENUE, Staten Island**
Block 4066, Lot 12
Build it Back ID: **APP-013879**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4084-A**
PREMISES: **22 BEACON PLACE, Staten Island**
Block 4066, Lot 28
Build it Back ID: **APP-021225**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACON PLACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4085-A**
PREMISES: **72 FINLEY AVENUE, Staten Island**
Block 4066, Lot 20
Build it Back ID: **APP-021548**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4086-A**
PREMISES: **95 HETT AVENUE, Staten Island**
Block 4066, Lot 1
Build it Back ID: **APP-025261**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-4087-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4087-A**
PREMISES: **85 MARINE WAY, Staten Island**
Block 4067, Lot 5
Build it Back ID: **APP-005174**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY partially within a R3X zoning district and partially within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4088-A**
PREMISES: **79 MARINE WAY, Staten Island**
Block 4067, Lot 9
Build it Back ID: **APP-007584**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4089-A**
PREMISES: **80 HETT AVENUE, Staten Island**
Block 4067, Lot 18
Build it Back ID: **APP-025264**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4090-A**
PREMISES: **122 FINLEY AVENUE, Staten Island**
Block 4068, Lot 36
Build it Back ID: **APP-000541**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4091-A**
PREMISES: **126 FINLEY AVENUE, Staten Island**
Block 4068, Lot 33
Build it Back ID: **APP-016246**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4092-A**
PREMISES: **8 MAPLE TERRACE, Staten Island**
Block 4069, Lot 15
Build it Back ID: **APP-005161**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MAPLE TERRACE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4093-A**
PREMISES: **116 HETT AVENUE, Staten Island**
Block 4069, Lot 36
Build it Back ID: **APP-007746**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4094-A**
PREMISES: **175 ROMA AVENUE, Staten Island**
Block 4069, Lot 82
Build it Back ID: **APP-013926**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4095-A**
PREMISES: **141 ROMA AVENUE, Staten Island**
Block 4069, Lot 65
Build it Back ID: **APP-016162**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4096-A**
PREMISES: **190 HETT AVENUE, Staten Island**
Block 4069, Lot 5
Build it Back ID: **APP-019061**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on HETT AVENUE partially within a R3-1 zoning district and partially within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4097-A**
PREMISES: **127 ROMA AVENUE, Staten Island**
Block 4069, Lot 57
Build it Back ID: **APP-020138**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4098-A**
PREMISES: **12 ROMA AVENUE, Staten Island**
Block 4076, Lot 19
Build it Back ID: **APP-001131**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

2016-4099-A

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4099-A**
PREMISES: **38 ROMA AVENUE, Staten Island**
Block 4076, Lot 8
Build it Back ID: **APP-002114**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4100-A**
PREMISES: **728 NEW DORP LANE, Staten Island**
Block 4076, Lot 22
Build it Back ID: **APP-004523**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4101-A**
PREMISES: **111 MARINE WAY, Staten Island**
Block 4085, Lot 38
Build it Back ID: **APP-003557**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4102-A**
PREMISES: **127 MARINE WAY, Staten Island**
Block 4085, Lot 30
Build it Back ID: **APP-007065**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4103-A**
PREMISES: **151 MARINE WAY, Staten Island**
Block 4085, Lot 16
Build it Back ID: **APP-014355**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4104-A**
PREMISES: **105 CEDAR GROVE AVENUE, Staten Island**
Block 4085, Lot 7
Build it Back ID: **APP-019079**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on CEDAR GROVE AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4105-A**
PREMISES: **5 GARIBALDI AVENUE, Staten Island**
Block 4086, Lot 37
Build it Back ID: **APP-002053**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GARIBALDI AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4106-A**
PREMISES: **47 GARIBALDI AVENUE, Staten Island**
Block 4086, Lot 13
Build it Back ID: **APP-002411**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on GARIBALDI AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4107-A**
PREMISES: **132 MARINE WAY, Staten Island**
Block 4086, Lot 22
Build it Back ID: **APP-005153**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4108-A**
PREMISES: **160 MARINE WAY, Staten Island**
Block 4086, Lot 7
Build it Back ID: **APP-005553**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on MARINE WAY within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4109-A**
PREMISES: **150 ROMA AVENUE, Staten Island**
Block 4088, Lot 20
Build it Back ID: **APP-000488**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4110-A**
PREMISES: **154 ROMA AVENUE, Staten Island**
Block 4088, Lot 19
Build it Back ID: **APP-006211**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4111-A**
PREMISES: **188 ROMA AVENUE, Staten Island**
Block 4088, Lot 4
Build it Back ID: **APP-014701**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4112-A**
PREMISES: **160 ROMA AVENUE, Staten Island**
Block 4088, Lot 15
Build it Back ID: **APP-014726**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 2-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4113-A**
PREMISES: **26 WEST 14 ROAD, Queens**
Block 15319, Lot 20
Build it Back ID: **APP-017139**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WEST 14 ROAD within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4114-A**
PREMISES: **467 BEACH 68 STREET, Queens**
Block 16042, Lot 38
Build it Back ID: **APP-010671**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on BEACH 68 STREET within a R4A zoning district, in Queens; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4115-A**
PREMISES: **91 OLYMPIA BOULEVARD, Staten Island**
Block 3278, Lot 3
Build it Back ID: **APP-025533**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on OLYMPIA BOULEVARD within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4116-A**
PREMISES: **71 SCOTT AVENUE, Staten Island**
Block 3393, Lot 35
Build it Back ID: **APP-014683**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on SCOTT AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4117-A**
PREMISES: **17 WINFIELD STREET, Staten Island**
Block 3397, Lot 53
Build it Back ID: **APP-025064**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on WINFIELD STREET within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4118-A**
PREMISES: **68 FINLEY AVENUE, Staten Island**
Block 4066, Lot 22
Build it Back ID: **APP-004508**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on FINLEY AVENUE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4119-A**
PREMISES: **10 ROMA AVENUE, Staten Island**
Block 4076, Lot 20
Build it Back ID: **APP-023972**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 3-family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on ROMA AVENUE within a R3X zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

MEETING OF: **March 8, 2016**
CALENDAR NO.: **2016-4120-A**
PREMISES: **604 NEW DORP LANE, Staten Island**
Block 4064, Lot 35
Build it Back ID: **APP-004769**

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative..... 0

THE RESOLUTION:

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a multifamily home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.2 (A Form), (3) 2 RCNY § 1-06.3(b) (Filing Period), (4) 2 RCNY § 1-06.4(b) (Application Referral), (5) 2 RCNY § 1-06.5(b) (Hearing Notice), (6) 2 RCNY § 1-09.1 (Application Form), and (7) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on NEW DORP LANE within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated March 1, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated February 17, 2016, the Department of Transportation ("DOT")

states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a

survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015, or as indicated in writing by the DDC;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

65-15-BZ & 66-15-A
APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.
SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.
PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for continued hearing.

244-15-A
APPLICANT – Jay A. Segal, Esq., for 677 Fifth Avenue Corporation, owner.
SUBJECT – Application October 9, 2015 – Appeal challenging NYC Department of Building's determination that a video display wall with in a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).
PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

262-15-A
APPLICANT – Eric Palatnik, P.C., for Salvatore Galati, owner.
SUBJECT – Application November 30, 2015 – GCL 36 to permit the development of a one story, Use Group 6 Commercial Building located within an R3X/C1-1 zoning district, contrary to Article 3, Section 36 of the NYS General City Law.
PREMISES AFFECTED – 64 Sharrott Avenue, Block 7702, Lot 110, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

60-14-BZ
CEQR #14-BSA-141Q
APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.
SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.
PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.
COMMUNITY BOARD #8Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated April 10, 2014, with regards to the subject site reads in pertinent part:

> Proposed enlargement to existing community facility is contrary to ZR section 24-00 with respect to floor area, lot coverage, required yards, and height and setback regulations; and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R4-1 zoning district, the legalization of a an existing two story plus cellar building, contrary to ZR §§ 24-11, 24-34, 24-35, 24-36 and 24-50; and

WHEREAS, a public hearing was held on this application on February 3, 2015, after due notice by publication in *The City Record*, with continued hearings on May 19, 2015, September 18, 2015, October 27, 2015, and January 12, 2016, and then to decision on M arch 8, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 8, Queens, recommends disapproval of this application; and

WHEREAS, the application is brought on behalf of Sephardic Congregation, a non-profit religious corporation (the "Synagogue"), and Yeshiva Ohel Simcha, a school (the "Yeshiva"); and

WHEREAS, the subject site is located on the north side of 72nd Avenue, between Main Street and 141st Street, in an R4-1 zoning district, in Queens; and

WHEREAS, the site has approximately 50 feet of frontage along 72nd Avenue, a depth of 100 feet, and lot area of 5,000 sq. ft.; and

WHEREAS, the site is improved with a two story plus cellar building having approximately 6,024 sq. ft. total floor area and used by both the Synagogue and the Yeshiva; and

WHEREAS, the existing building has a front yard of 6 feet (contrary to the 15 feet required pursuant to ZR § 24-11), a rear yard of 13 feet (contrary to the 30 feet required pursuant to ZR § 24-36), side yards of 6'-6" and 6'-8.5" (contrary to the 8 feet required pursuant to ZR § 24-36), and 61 percent lot coverage (contrary to the 55 percent maximum set forth in ZR § 24-11); and

WHEREAS, the applicant initially sought to legalize and expand the existing building with a one-story enlargement that would create, *inter alia*, six additional

classrooms and three bathrooms to accommodate the growth of the Yeshiva as it expanded its programming from a pre-nursey and kindergarten school and provided additional grades for current students as they graduated from the presently offered grades; and

WHEREAS, in response to neighborhood opposition as well as concerns from the Board, the applicant withdrew its proposal to construct the one-story enlargement, modified the interior layouts of the existing building and now proposes to legalize the existing building, install a fully enclosed refrigerated garbage room in the cellar level, a play area on the roof with a 10 foot high fence, an elevator, additional stairs in the rear yard, new iron fencing along both side yards, and plantings at the front and sides of the building; additionally, the applicant no longer proposes to expand its program beyond pre-nursery and kindergarten-aged children; and

WHEREAS, the proposal includes a rear yard of 9 feet (a reduction of the existing 13 foot rear yard and contrary to the 30 feet required pursuant to ZR § 24-36) and lot coverage of 62 percent (an increase of the existing building's 61 percent lot coverage and contrary to the 55 percent maximum set forth in ZR § 24-11); and

WHEREAS, accordingly, the applicant seeks the subject variance because the existing building and proposed enlargement do not comply with the applicable bulk regulations in the subject zoning district; and

WHEREAS, the applicant represents that the variance sought is necessary to meet the programmatic needs of the Synagogue for services, study groups and lectures held seven days a week on the first floor of the building for the area's growing Bucharian Jewish community, and the programmatic needs of the School for classrooms, early morning and after school programs for the 65 currently enrolled students, aged 2 through 5, as well as the additional 69 students the Yeshiva anticipates within the next three years (after the Yeshiva applies for and begins to receive Universal Prekindergarten ("UPK") and Administration for Children Services ("ACS") funding), on the cellar, first floor and second floor levels of the building; and

WHEREAS, the applicant further represents that the two uses of the building are completely separated and non-simultaneous with the exception of a fifteen minute period, from 8:00 a.m. to 8:15 a.m., where morning services are ongoing in the Synagogue on the ground floor and children arrive for early morning programming at the Yeshiva on the second floor; and

WHEREAS, the applicant asserts that, without the requested variance, significant portions of the building would have to be demolished, resulting in the loss of much needed classroom space for the Yeshiva and meeting space for the Synagogue and preventing both the Yeshiva and Synagogue from accommodating their existing congregation and student enrollment, respectively; and

WHEREAS, specifically, the applicant states that, in a fully compliant building, the cellar level would have a reduced capacity, the first floor would accommodate only 23 children, the second floor could accommodate only 34 students, and the main sanctuary could accommodate 74 people, fewer than the currently expected 75-80 congregants per prayer service; and

WHEREAS, accordingly, the applicant states that an as-of-right alteration of the building would not satisfy the programmatic needs of the Synagogue or the Yeshiva; and

WHEREAS, the applicant contends that the requested waivers are both modest and essential to its ability to meet its programmatic needs; and

WHEREAS, the Board acknowledges that the Synagogue, as a religious institution, and the Yeshiva, as an educational institution, are entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational or religious institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, neighbor have opposed the subject application with concerns regarding the following: the safety and supervision of the children in the community driveway, fire safety, increased neighborhood traffic and lack of adequate parking, outstanding violations from the Department of Buildings ("DOB") and Environmental Control Board ("ECB"), and the poorly maintained condition of the building; and

WHEREAS, in response to these concerns, the applicant has proposed fencing and plantings to ensure that no students or congregants may gain access to the community driveway, except in cases of emergency; submitted plans indicating that sprinklers and a fire alarm system will be installed throughout the building; and placed parking monitors in front of the building to ensure that traffic is not disrupted at the beginning and end of the school day; and

WHEREAS, additionally, the applicant represents that the outstanding DOB and ECB violations will be cured once the instant application has been approved; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the religious and education uses creates create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the Synagogue and the Yeshiva are non-profit institutions and the variance is needed to further their non-profit missions, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, specifically, the applicant states that the use is an as-of-right use; the area surrounding the subject premises has a mix of residential, community facility and commercial uses; and that the character of the neighborhood

can be defined as two- and three-story single family homes surrounded by far larger community facilities; and

WHEREAS, in response to the Board's questions regarding the safety and potential nuisance roof top play area, the applicant represents that the area will be used from 11 a.m. to 2 p.m. and otherwise remain unoccupied, that the area can accommodate a total of 44 children, that the recess schedule will be set so as to ensure that children of similar age groups occupy the roof at the same time, that there will be no lights or amplified sound on the roof, that the roof will have two layers of 1/8" acoustic barrier made of heavy mineral filled visco elastic material, that the 10' high fence will have a decorative tarp that attaches to the acoustical fence and that these measures would attenuate any potential noise impact; and

WHEREAS, accordingly, the applicant asserts that the proposal will have no negative impact on the surrounding neighborhood; and

WHEREAS, the Board agrees that the proposal will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states, per ZR § 72-21(d), that the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the applicant; and

WHEREAS, the applicant represents, consistent with ZR § 72-21(e), that the proposal represents the minimum variance needed to accommodate its current and projected programmatic needs; and

WHEREAS, accordingly, the Board finds that the proposal is the minimum necessary to allow the applicant to fulfill the programmatic needs of the Synagogue and the Yeshiva; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist, 14BSA141Q dated April 11, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, in an R4-1 zoning district, the legalization of a an existing two story plus cellar building, contrary to ZR §§ 24-11, 24-34, 24-35, 24-36 and 24-50, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 4, 2016" – Three (3) sheets and "Received March 8, 2016" – Eleven (11) sheets; and *on further condition*:

THAT this grant shall be limited to a term of fifteen (15) months, to expire on June 8, 2017;

THAT the front yard shall be at least 6 feet, the rear yard shall be at least 9 feet, the side yards shall be at least 6'-6" and 6'-8.5" and lot coverage shall be a maximum of 62 percent, as illustrated on the BSA-approved plans;

THAT the sprinklers and fire alarm systems will be installed throughout the building;

THAT new metal picket fence with a locked gate will be installed on the premises;

THAT carpooling drop off controls will be instituted;

THAT DOT drop-off zone will be maintained;

THAT noise attenuated measures at the roof top shall be installed, as illustrated on the BSA-approved plans;

THAT no lighting shall be installed on the roof;

THAT adult use of the Synagogue shall be limited to times when the Yeshiva is not in session;

THAT supervision of students is required;

THAT the premises shall be maintained free of debris and graffiti;

THAT trash shall be stored inside the building prior to and until pick up;

THAT there shall be no storage in the rear of the building;

THAT the premises shall be maintained free of debris during the period of construction;

THAT the drive located in the rear of the building shall be repaired;

THAT shrubs and plantings shall be installed in sub-grade planting bed and be equal to the height of the fence as a buffer for neighbors;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 8, 2016.

231-14-BZ

APPLICANT – Sheldon Lobel, PC, for Orangetheory Fitness, owner; OTF Man One, LLP, lessee.

SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Orangetheory Fitness*) within a portion of an existing commercial building. C6-3X zoning district.

PREMISES AFFECTED – 124 West 23rd Street, south side of West 23rd Street, between Avenue of the Americas and 7th Avenue, Block 00798, Lot 7507, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson,

Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

318-14-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Leemilts Petroleum Inc., owner; Capitol Petroleum Group, lessee.
SUBJECT – Application December 5, 2014 – Re-Instatement (§11-411) previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on October 27, 1987; Waiver of the Rules. C1-2 in R5 zoning district.
PREMISES AFFECTED – 1672-1680 86th Street aka 1-17 Bay 14th Street, south East Corner of Bay 14th Street, Block 06365, Lot 33, Borough of Brooklyn.
COMMUNITY BOARD #11BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for decision, hearing closed.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, MARCH 8, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

177-15-BZ
APPLICANT – Philip L. Rampulla, for Mangone Developers, Inc., owner.
SUBJECT – Application August 5, 2015 – Variance (§72-21) to permit the development of a new two family dwelling contrary to required side yards and permit a 3rd parking space to be located between the building wall and the street wall. R3-X, SRD, GMD zoning district.
PREMISES AFFECTED – 432 Albourne Avenue, Block 6942, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

253-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Abraham Leitner, owner.
SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 99 East 22nd Street, Block 07586, Lot 36, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

***CORRECTION**

This resolution adopted on June 20, 2006, under Calendar No. 540-84-BZ and printed in Volume 91, Bulletin No. 26, is hereby corrected to read as follows:

540-84-BZ
APPLICANT – Kenneth H. Koons, for Herman Pieck, owner.
SUBJECT – Application December 8, 2005 – Pursuant to section Z.R. §52-332 to legalize the change in use of a custom cabinet workshop (UG16A) to auto repair shops (UG16B) and to extend the term of the variance for ten years. The previous term expired June 10, 2006. The premise is located in an R3-2 zoning district.
PREMISES AFFECTED – 341 Soundview Avenue, southwest corner of Bolton Avenue, Block 3473, Lot 43, Borough of The Bronx.
COMMUNITY BOARD #9BX
APPEARANCES –
For Applicant: Kenneth H. Koons.
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Commissioner Collins.....4
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated April 4, 2006, acting on DOB Application No. 200940571 reads, in pertinent part:

> "The legalization of the proposed change of use of the premises for motor vehicle repair shops and the extension of the term of variance beyond June 10, 2006, in an R3-2 zoning district, is contrary to Section 22-00 Z.R. and BSA Resolution Cal. No. 540-84-BZ and Certificate of Occupancy #58357."; and

WHEREAS, this is an application under ZR §§ 11-412 and 11-413, on a site previously before the Board, to permit in an R3-2 zoning district, the legalization of the change from the previously approved Use Group 16 cabinet manufacturing use to a UG 16 automotive repair shop use, as well as minor interior changes related to this change of use, which is contrary to a variance previously granted under the subject calendar number; and

WHEREAS, a public hearing was held on this application on June 6, 2006 after due notice by publication in the *City Record*, and then to decision on June 20, 2006; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, Community Board 9, Brooklyn, recommends approval of this application; and

WHEREAS, additionally, City Council Member Annabel Palma recommends approval of this application; and

WHEREAS, the premises is located on the southwest corner of Soundview and Bolton Avenues and has a lot area of 9,927 sq. ft.; and

WHEREAS, the lot is improved with an automotive repair station with a floor area of 7,037 sq. ft.; and

WHEREAS, on June 10, 1986, under the subject calendar number, the Board permitted the erection of a one-story custom cabinet shop in an R3-2 zoning district, for a term of 20 years; and

WHEREAS, the record indicates that the custom cabinet shop closed in the early 1990s and that the automotive service/repair use has been continuous since 1993; and

WHEREAS, the record indicates that the only physical changes to the site since 1993 were in the interior, and include the addition of a spray booth and the relocation of partitions; and

WHEREAS, the application seeks to legalize the change in use from cabinetmaking workshop to automotive service and repair station, as well as the interior changes; and

WHEREAS, the Board has determined that the existing automotive service repair establishment will not impair the essential character or future use of development of the area; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports the findings required to be made under §§ 11-412 and 11-413 of the Zoning Resolution; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 11-412 and 11-413 and authorizes, in an R3-2 zoning district, the legalization of the change from the previously approved Use Group 16 cabinet manufacturing use to a UG 16 automotive repair shop use, as well as minor interior changes related to this change of use, which is contrary to a variance previously granted under the subject calendar number, *on condition* that all work substantially conforms to drawings as they apply to the objection above noted, filed with this application marked "Received May 1, 2006"-(1) sheet and "June 12, 2006"-(1) sheet; and *on further condition*;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on June 20, 2016;

THAT there shall be no cars parked on, or obstructing, the sidewalk;

THAT the hours of operation shall be limited to 8:00 a.m. to 6:30 p.m., Monday through Saturday;

THAT fencing and screening shall be provided in ccordance with BSA-approved plans;

THAT the premises shall be kept graffiti-free;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure

compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 20, 2006.

*The resolution has been amended to correct the term of the variance which read: … ***June 20, 2015*** now reads: …***June 20, 2016***... **Corrected in Bulletin Nos. 10-11, Vol. 101, dated March 16, 2016.**

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BULLETIN

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*Companion case is 2016-4137-BZ

2016-4137-BZ
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2016-4140-BZ
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2016-4142-A
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2016-4143-A
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2016-4144-A
74 Cunard Avenue, north side of Cunard Avenue, approximately 104 ft. north of Cedar Terrace, Block 00623, Lot(s) 8, Borough of **Staten Island, Community Board: 1**. To permit the proposed development consisting of five one family homes contrary Article 3 Section 36 of the General City Law. R3A (HS) zoning district.

2016-4145-A
76 Cunard Avenue, north side of Cunard Avenue, approximately 104 ft. north of Cedar Terrace, Block 00623, Lot(s) 95, Borough of **Staten Island, Community Board: 1**. To permit the proposed development consisting of five one family homes contrary Article 3 Section 36 of the General City Law. R3A (HS) zoning district.

2016-4146-A
78 Cunard Avenue, north side of Cunard Avenue, approximately 104 ft. north of Cedar Terrace, Block 00623, Lot(s) 93, Borough of **Staten Island, Community Board: 1**. To permit the proposed development consisting of five one family homes contrary Article 3 Section 36 of the General City Law. R3A (HS) zoning district.

2016-4147-BZ
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2016-4148-BZ
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2016-4149-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
APRIL 26, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 26, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

327-88-BZ
APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.
PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.
COMMUNITY BOARD #7Q

APRIL 26, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday, afternoon, April 26, 2016, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

100-15-BZ
APPLICANT – Eric Palatnik, PC, for 24 East 39 LLC, owner.
SUBJECT – Application May 5, 2015 – Variance (§72-21) to propose a change of use in the existing building on the premises from a use group 2 apartment hotel to a use group 5 transient hotel. R8B zoning district.
PREMISES AFFECTED – 24 East 39th Street, Block 0868, Lot 051, Borough of Manhattan.
COMMUNITY BOARD #6M

188-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 100 West 72nd Street Associates, LLC, c/o Robert C. Quinlan, owner.
SUBJECT – Application August 17, 2015 – Special Permit (§73-36) to permit a Physical Culture Establishment (*Miccass/Momemtum Fitness*) in the cellar level of the premises. C4-6A zoning district.
PREMISES AFFECTED – 100 West 72nd Street, southwest corner of West 72nd Street and Columbus Avenue, Block 1143, Lot 7503, Borough of Manhattan.
COMMUNITY BOARD #7M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, MARCH 22, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

402-86-BZ
APPLICANT – Carl A. Sulfaro, Esq., for Urban/College Point Associates, Inc., owner.
SUBJECT – Application December 29, 2014 – Amendment of a previously approved Variance which permitted the use of Warehouse (UG 16) in a then R4 zoning district. The amendment seeks to eliminate the term since the subject site has been rezoned to M1-1; Waiver of the Rules. M1-1 zoning district.
PREMISES AFFECTED – 22-12 129th Street, Block 04204, Lot 0034, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure, extend the term of a variance previously granted by the Board under the subject calendar number, which expired on May 12, 2007, amend the variance to change the use from a Use Group 17 to a Use Group 16D, legalize the existing bulk of the building, which has non-complying side and rear yards, and eliminate the term of the variance; and

WHEREAS, a public hearing was held on this application on February 2, 2016, after due notice by publication in *The City Record*, and then to decision on March 22, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 7, Queens, recommends approval of this application provided that the variance be limited to a term of ten years; that all activities, including loading, unloading and parking of automobiles and trucks take place within the building; that signs be flat and non-illuminated and comply with the applicable zoning regulations; that the hours of operation be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday; that the façade and all signage be cleaned and maintained in a more professional manner; that graffiti be removed; and that extra signage on the sidewalk be removed; and

WHEREAS, the subject site is located on the west side of 129th Street, between 20th Avenue and 23rd Avenue, in an M1-1 zoning district, in Queens; and

WHEREAS, the site has approximately 102 feet of frontage along 129th Street, 10,100 sq. ft. lot area, and is occupied by a one story warehouse; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 12, 1987 when, under the subject calendar number, the Board granted a variance, on condition, to permit the construction of a one-story factory building (Use Group 17) for a term of twenty years, expiring May 12, 2007 (the "1987 Variance"); and

WHEREAS, at the time of the 1987 Variance, the site was located in an R4 zoning district and the proposed use was not in conformance with the zoning regulations applicable to an R4 zoning district; and

WHERAS, the time to completed substantial construction pursuant to the variance grant has been extended, under the subject calendar number, from time to time; and

WHEREAS, most recently, on January 12, 1993, under the subject calendar number, the Board granted a waiver of the Rules of Practice and Procedure, reopened and amended the variance to extend the time to complete construction to January 1994; and

WHEREAS, the applicant now seeks, upon a waiver of the Board's Rule of Practice and Procedure § 1-07.3(b)(3)(ii), to extend the term of the 1987 Variance and amend the variance so as to change the use, eliminate the term, legalize the bulk parameters of the existing building, and remove the conditions set forth in the original variance grant; and

WHEREAS, the applicant represents that the building was used as a Use Group 17 factory for five years and then converted to its current use as a Use Group 16D warehouse; and

WHEREAS, the applicant further represents that the zoning for the premises changed from R4 to M1-1 pursuant to a zoning change adopted by the City Planning Commission on March 13, 2002 under C-000188ZMQ and that in an M1-1 zoning district a Use Group 16D warehouse is permitted as-of-right; and

WHEREAS, accordingly, the applicant contends that the variance should be amended to reflect the change in use and, because the use is permitted on the zoning lot as-of-right, the term of the variance should be eliminated; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term and, pursuant to ZR § 11-413, the Board may permit a change in use to a conforming use; and

WHEREAS, the applicant asserts that the existing building was constructed according to plans approved by the BSA in 1987—at a time when the subject premises were located within an R4 zoning district, whereas now, the premises are located in an M1-1 zoning district and adjoin the boundary of an R4-1 zoning district—and accordingly does not comply with certain applicable bulk regulations; and

WHEREAS, the applicant further contends that the change in zoning occurred prior to the issuance of a Certificate of Occupancy for the building and when an application for a Certificate of Occupancy was finally filed on November 30, 2012, the Department of Buildings treated the building as new

construction and raised the aforementioned zoning objections; and

WHEREAS, action from the Board is required to recognize the lack of side yards and rear yards at the subject premises as legally existing non-compliances; and

WHEREAS, the Board notes that implicit in the 1987 Variance was a condition that the subject building obtain a Certificate of Occupancy; and

WHEREAS, the 1987 Variance also required that the owner comply with the conditions set forth in the conditional negative declaration, which the applicant asserts included that all activities within the building conform to the New York City Noise Control Code and that air circulation equipment intake and exhaust mechanisms conform to the applicable Noise Control provisions and that any exterior mechanical equipment conform to Section 26-1208.3 of the Building Code; and

WHEREAS, the applicant represents that these conditions were included because of the intention to use the building as a Use Group 17 factory and should be removed because while the building was, in fact, used as a Use Group 17 factory for five years, it has thereafter continuously been used as a Use Group 16D warehouse, for which noise control and exhaust regulations are inapplicable; and

WHEREAS, the Board makes reference to ZR § 42-20, which requires that uses in, *inter alia*, Use Group 16 and Use Group 17 must comply with performance standards governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to an M1-1 zoning district; and

WHEREAS, accordingly, the Board finds that the conditions set forth in the original grant remain applicable; and

WHEREAS, based on the foregoing, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 11-411 and 11-413, the requested extension of term and legalization of change in use to a conforming use are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated May 12, 1987, to extend the term of a variance previously granted by the Board, amend the variance to change the use from a Use Group 17 factory to a Use Group 16D warehouse, and legalize the existing bulk of the building, which has non-complying side and rear yards so that as amended this portion of the resolution reads: "to permit the change in use at the premises from factory (Use Group 17) to warehouse (Use Group 16D) and to grant an extension of term for a period of ten (10) years to expire on May 12, 2017"; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received December 29, 2015" – Four (4) sheets and "March 2, 2016"- One (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years, to expire May 12, 2017;

THAT all activities, including loading, unloading and parking of automobiles and trucks, shall take place within the building;

THAT all signs shall be flat, non-illuminated and comply with all M1-1 zoning regulations;

THAT the hours of operation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday;

THAT all signage on façade shall be professionally mounted and maintained;

THAT the premises shall be maintained free of debris and graffiti;

THAT all signage on the sidewalk shall be removed;

THAT the above conditions will be noted in the Certificate of Occupancy;

THAT a Certificate of Occupancy be obtained by May 12, 2017;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

(DOB Application No. 420790585)

Adopted by the Board of Standards and Appeals, March 22, 2016.

226-09-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun enterprises LLC, owner; NYHRC, lessee.

SUBJECT – Application June 24, 2015 – Extension of Term of a special permit (73-11) for a physical culture establishment on the third floor of an existing mixed-use building and for extension of time to obtain a Certificate of Occupancy and Waiver. C6-1 zoning district.

PREMISES AFFECTED – 24 East 13th Street, Block 0570, Lot 017, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, an extension of term of a special permit previously granted to permit a physical cultural establishment ("PCE") on the third floor of an existing mixed-use building, which expired October 27, 2011, and for an extension of time to obtain a Certificate of Occupancy, which expired on April 27, 2010; and

WHEREAS, a public hearing was held on this

application on January 12, 2016, after due notice by publication in *The City Record*, with a continued hearing on February 9, 2016 and then to decision on March 22, 2016; and

WHEREAS, Vice Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of East 13th Street, between 5th Avenue and University Place, in a C6-1 zoning district, in Manhattan; and

WHEREAS, the site has approximately 49 feet of frontage along East 13th Street, 4,315 sq. ft. of lot area, and is improved with a six-story mixed-use building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 27, 2009 when, under the subject calendar number, the Board granted an application to permit the legalization of a PCE for a term of 2 years, expiring October 27, 2011, and under certain conditions, *inter alia*, a requirement that the Certificate of Occupancy be obtained by April 27, 2010; and

WHEREAS, at the time of the grant, the PCE had a total floor area of 11,701 sq. ft. on the first floor, first floor mezzanine, second floor, and third floor of the building and an additional 3,425 sq. ft. in the cellar; and

WHEREAS, in support of the special permit application, the applicant submitted evidence that the PCE use on the cellar level through second floor pre-dated the adoption of ZR § 73-36, and that the Department of Buildings ("DOB") accepted the pre-existing Use Group 9 uses on that floor and, thus, a special permit was not required for the continued operation of the PCE at the cellar through second floor and was sought only to the extent of the PCE use on the third floor, a total of 3,204 sq. ft. of floor area; and

WHEREAS, accordingly, the subject application is solely with regards to the PCE use on the third floor; and

WHEREAS, both the term of the special permit and the time to obtain a Certificate of Occupancy have both expired and the applicant seeks to extend both the term of the special permit and the time to obtain a Certificate of Occupancy; and

WHEREAS, with regards to the extension of time to obtain a Certificate of Occupancy, the subject application was filed more than 30 days after the expiration and, thus, the applicant requests a waiver under Board Rule of Practice and Procedure § 1-07.3(d)(2); and

WHEREAS, with regards to the extension of term, the subject application was filed more than two years after but less than ten years after the expiration of the term and, thus, the applicant requests a waiver under Board Rule of Practice and Procedure § 1-07.3(b)(3)(ii); and

WHEREAS, the applicant represents that the lateness of the filing of the subject application is due to a change in administration of the subject PCE; and

WHEREAS, the applicant does not propose to change the operator of the PCE, any of the PCE's operations, or any aspect of the existing building; and

WHEREAS, the PCE is operated as a New York Health and Racquet Club, the same operator at the time of the 2009 special permit grant; and

WHEREAS, the PCE's hours of operation are also the same as they were at the time of the 2009 special permit grant: Monday through Friday, 6:00 a.m. to 11:00 p.m. and Saturday through Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, in response to concerns by the Board, the applicant submitted a statement from its architect representing that though a proposed acoustic suspended ceiling system was not installed, such a system was unnecessary because the building's solid wood beams, 1" thick wood planking subfloor topping those beams, and installed batt insulation were sufficient noise attenuation measures; in addition, the applicant submitted a statement from the current property manager stating that no residents of the apartments located above the PCE have made complaints related to noise or vibration and a letter from the tenant on the fourth floor immediately above the subject PCE indicating that no noise or vibration issues caused by the PCE have occurred during her occupancy; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives its Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated October 27, 2009, so that as amended this portion of the resolution reads: "to grant an extension of the the term of the special permit for ten (10) years an extension of time to obtain a Certificate of Occupancy to March 22, 2017; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 24, 2015"-Seven (7) sheets; and *on further condition*:

THAT the term of this grant shall expire on March 22, 2026;

THAT a Certificate of Occupancy for the premises shall be obtained by March 22, 2017;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 22, 2016.

802-48-BZ

APPLICANT – Eric Palatnik, for Rodeleeven Service Stations, Inc., owner.

SUBJECT – Application June 8, 2015 – Extension of Term (72-01) to extend the term of a variance for automotive service station, repair shop and accessory convenient store, which was granted October 17, 2006. R5/C1 zoning district.

PREMISES AFFECTED – 1346 Beach Channel Drive, Block 01552, Lot 1, Borough of Queens.
COMMUNITY BOARD #14Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for decision, hearing closed.

1207-66-BZ
APPLICANT – Carl A. Sulfaro, Esq., for Apple Art Supplies of New York, LLC., owner.
SUBJECT – Application December 10, 2014 – Extension of Term of a previously granted variance for the continued operation of a UG6 art supply and bookstore which expired July 5, 2012; Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 305 Washington Avenue aka 321 DeKalb Avenue, northeast corner of Washington Avenue & DeKalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.
COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

1255-80-BZ
APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.
SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.
COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for continued hearing.

98-06-BZ
APPLICANT – Eric Palatnik, P.C., for Yeshiva Siach Yitzchok, owner.
SUBJECT – Application March 3, 2015 – Amendment of a previously approved Variance (§72-21) which permitted school (Yeshiva Siach Yitzchok) contrary to bulk regulation and contrary to General City Law section 35. The Amendment seeks minor interior changes and an increase in height from fifty feet to a proposed fifty four feet. R4A zoning district.
PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of Bech 9th Street and Dinsmire Avenue, Block 15554, Lot 0049, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

201-97-BZ
APPLICANT – Eric Palatnik, P.C., for Monroe Queens-Rockaway, LLC, owner.
SUBJECT – Application August 6, 2015 – Amendment of a previously approved Variance (§72-21) which permitted the erection and use of a one-story building as a non-conforming Use Group 6 drug store with accessory parking. The Amendment seeks to eliminate the term of the variance since the use is now permitted in the district. C2-3/R3-2 zoning district.
PREMISES AFFECTED – 119-02 Rockaway Boulevard, corner of Rockaway Boulevard and Lefferts Boulevard, Block 11712, Lot 28, Borough of Queens.
COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for continued hearing.

4-98-BZ
APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.
SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.
PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.
COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for continued hearing.

238-04-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for C-Squarewood LLC, owner; NYHRC, lessee.
SUBJECT – Application July 28, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment located in the cellar, first and mezzanine floors, of an existing twelve story mixed–use building, which expired on January 25, 2015; Waiver of the Rules. M1-5B zoning district.
PREMISES AFFECTED – 62 Cooper Square, Block 544, Lot 7501, Borough of Manhattan**.**
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

141-15-A thru 155-15-A
APPLICANT – Eric Palatnik, P.C., for 1671 Hylan Boulevard, LLC., owner.
SUBJECT – Application July 6, 2015 – Proposed construction for fifteen single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law, located within an R1-2 zoning district.
PREMISES AFFECTED – 219 Cheevers Lane, Bordered by Page Avenue, Block 07792, Lot 0307, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated June 5, 2015 acting on DOB Application Nos. 520244691, 520244708, 520244717, 520244726, 520244735, 520244771, 520244762, 520244753, 520244744, 520244799, 520244780, 520244806, 520244815, 520244824 and 520244833, reads in pertinent part:

> The street giving access to proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application to allow the construction of 15 single-family residences which do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on February 2, 2016 after due notice by publication in *The City Record*, and then to decision on March 22, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of this application; and

WHEREAS, the subject premises are located west of Page Avenue and south of Amboy Road, in an R1-2 zoning district, the Special South Richmond Development District and a Lower Density Growth Management Area, on Staten Island; and

WHEREAS, the subject lots have been subdivided, as evidenced by a New York City Department of Finance Application for Mergers or Apportionment approved on February 5, 2015, from Prior Tax Lot 242 in Block 7792 with a total lot area of approximately 319,200 sq. ft. into multiple individual Tax Lots, fifteen of which are the subject of the current application and each with a lot area of between 4,363 sq. ft. and 14,234 sq. ft.; and

WHEREAS, the applicant proposes to develop single-family residences on each of the lots as follows: Lot 307: 2,640 sq. ft. of floor area, 0.40 floor area ratio ("FAR"); Lot 309: 2,640 sq. ft. of floor area, 0.44 FAR; Lot 310: 2,640 sq. ft. of floor area, 0.44 FAR; Lot 311: 2,640 sq. ft. of floor area; 0.44 FAR; Lot 312: 2,640 sq. ft. of floor area, 0.33 FAR; Lot 314: 3,000 sq. ft. of floor area, 0.21 FAR; Lot 315: 3,420 sq. ft. of floor area, 0.45 FAR; Lot 316: 3,470 sq. ft. of floor area, 0.40 FAR; Lot 317: 3,420 sq. ft. of floor area, 0.37 FAR; Lot 436: 2,801 sq. ft. of floor area, 0.31 FAR; Lot 437: 2,842 sq. ft. of floor area, 0.31 FAR; Lot 438: 2,496 sq. ft. of floor area 0.02 FAR; Lot 439: 2,496 sq. ft. of floor area 0.02 FAR; Lot 440: 2,409 sq. ft. of floor area, 0.02 FAR; Lot 441: 2,587 sq. ft. of floor area, 0.02 FAR; and

WHEREAS, each of the residences will have a total height of 35'-0" and have two on-site, off-street parking spaces; and

WHEREAS, access to the residences will be provided by Giegerich Avenue, an existing two-way road of irregular width that is not placed on the official map of the City of New York but is accessible from Bedell Avenue, which is a mapped street, and Cheevers Lane, a proposed private road accessible from Giegerich Avenue which will have a minimum width of 34'-0" from curb to curb, 4'-0" wide sidewalks, and end in a 38'-0" wide cul-de-sac; and

WHEREAS, with regards to fire safety, the applicant represents that each of the residences will include interconnected smoke alarms in compliance with NYC Building Code Section 907.2.10, all residences will be provided with an automatic sprinkler systems, and that hydrants will be provided on Cheevers Lane within 250 feet of the entrance of each residence; and

WHEREAS, by letter dated September 29, 2015, the Department of City Planning ("DCP") advised the DOB Staten Island Borough Commissioner that, with regard to the subject premises, DCP had approved both an application for certification pursuant to ZR § 107-121 that sufficient school capacity exists to accommodate the subject dwelling units (Application No. N150316RCR, expiring September 22, 2016) and an application for certification of the subject subdivision pursuant to ZR § 107-08 (Application No. N150315RCR); and

WHEREAS, by letter dated September 29, 2015, the New York State Department of Environmental Conservation ("DEC") modified Permit No. 2-6405-00470/00001, expiring December 31, 2021, to authorize the construction of detached single-family houses at the subject premises with associated paving, utilities, landscaping and streets provided that all developed areas, including rear yards, are a minimum of 60 feet from the wetland, a naturally vegetated buffer zone is established within the non-disturbance zone, and approximately 2.8 acres of the 7.7 acre site are preserved as

wetlands and adjacent buffer area; and

WHEREAS, by letter dated June 30, 2015, the Fire Department states that it has no objections to the proposal subject to the following conditions: buildings marked on the submitted plans as "Units 15-29" shall be fully sprinklered; roadway dimensions marked on the plan shall be what is constructed; and two new hydrants are to be installed in Cheevers Lane in the approximate locations indicated on the approved plans; and

WHEREAS, the Fire Department, by revised plans dated March 16, 2016, further conditioned its approval on no parking being permitted in the Cheevers Lane cul-de-sac; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated June 5, 2015 acting on DOB Application Nos. 520244691, 520244708, 520244717, 520244726, 520244735, 520244771, 520244762, 520244753, 520244744, 520244799, 520244780, 520244806, 520244815, 520244824 and 520244833, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 21, 2016"-one (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the Builder's Pavement Plan for the site will be reviewed and approved by DOB and DOT;

THAT the proposed residential development will be in full compliance with all yard requirements, including ZR § 23-451 (planting requirement);

THAT Cheevers Lane and all parking areas will be compliance with the standards regarding lighting regulations;

THAT the proposed development shall comply with all required planting and landscaping regulations, including ZR §§ 26-23 (requirements for planting strips and trees), 26-35 (screening), 26-41 (street tree planting), 107-251(b) (building setback) and 107-322(a) (tree requirements);

THAT the proposed development will comply with the required parking regulations pursuant to ZR § 25-23;

THAT all sidewalks located along Cheevers Lane shall be at least 4'0" wide pursuant to ZR § 26-24 and all sidewalks along Geigerich Avenue shall be at least 5'-0" wide;

THAT all storm drainage within the site shall be collected partially by on-site drywells and by grading into wetlands;

THAT Cheevers Lane will have a minimum width of 34'-0" from curb to curb;

THAT Cheevers Lane and all sidewalk areas shall be maintained by a Home Owners Association;

THAT all curb cuts accessing residential parking spaces shall be at least 18'-0" wide, except for the curb cut accessing Cheevers Lane which shall be at least 34'-0" wide;

THAT construction shall comply with all conditions of DEC Permit No. Permit No. 2-6405-00470/00001;

THAT the height of the dwellings shall not exceed 35'-0" above grade plane;

THAT interconnected smoke alarms designed and installed in all dwellings shall be in compliance with NYC Building Code Section 907.2.10;

THAT all dwellings shall be fully sprinklered;

THAT hydrants shall be installed in Cheevers Lane as indicated on the BSA-approved plans;

THAT all hydrants shall be located within 250 feet of the entrance to each dwelling unit and the hydrants shall be on a water main of 8" or greater;

THAT voluntary parking shall be permitted on Cheevers Lane subject to approval by the Fire Department, except where denoted on plan;

THAT parking shall not be permitted on the Cheevers Lane cul-de-sac;

THAT in all no parking areas, the road shall have roadway markings in yellow reflective paint with lines and lettering as indicated on the plans;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 22, 2016.

300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for decision, hearing closed.

35-15-A

APPLICANT – Herrick Feinstein, LLP, for Baychester Retail III, LLC., owner.

SUBJECT – Application February 25, 2015 – An

administrative appeal challenging the Department of Buildings' final determination dated January 26, 2015, to permit the installation of 54 individual signs at the subject property. C7 zoning district.
PREMISES AFFECTED – 2001 Bartow Avenue, Block 05141, Lot 0101, Borough of Bronx.
COMMUNITY BOARD #10BX
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

106-15-A & 107-15-A
APPLICANT – Eric Palatnik, P.C., for Evan Zhang, owner.
SUBJECT – Application May 12, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 /36 of the General City Law. R4-1 zoning district.
PREMISES AFFECTED – 42-29 & 42-31 149th Street, Block 5380, Lot(s) 12, 13, Borough of Queens.
COMMUNITY BOARD #7Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

218-15-A
APPLICANT – Eric Palatnik, P.C., for Anthony Guglieri, owner.
SUBJECT – Application September 10, 2015 – Proposed construction of a four story, five dwelling unit, mixed use building (office and residential) on a lot that is partially located within the bed of a mapped street contrary to Article 3 Section 35 of the General City Law. C4-2 Zoning District.
PREMISES AFFECTED – 428 St. Marks Place, between Hyatt Street and Victory Boulevard, Block 016, Lot 119, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

101-14-BZ
CEQR #14-BSA-153K
APPLICANT – Moshe M. Friedman PE, for Bais Yaakov D. Chassidei Gur, owner.
SUBJECT – Application May 8, 2015 – Variance (§72-21) to permit the vertical extension of an existing not for profit religious school. R5 zoning district.
PREMISES AFFECTED – 1975 51st Street, northwest corner of 20th Avenue and 51st Street, Block 05462, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #12BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated April 14, 2014, acting on Department of Buildings Application No. 320595101, reads in pertinent part:

1. ZR 24-11: Proposed vertical enlargement increases the existing degree of non-compliance for the maximum permitted floor area; contrary to ZR 24-11;
2. ZR 24-34: Proposed vertical enlargement increases the existing degree of non-compliance for required front yards; contrary to ZR 24-34;
3. ZR 24-35: Proposed vertical enlargement increases the existing degree or non-compliance for required side yards; contrary to ZR 24-35;
4. ZR 24-521: Proposed vertical enlargement increases the existing degree of non-compliance for penetration of sky exposure plane; contrary to ZR 24-521;
5. ZR 24-551: Proposed vertical enlargement increases the existing degree of non-compliance for required side setbacks; contrary to ZR 24-551; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site in an R5 zoning district, the enlargement of an existing four-story school building, contrary to ZR §§ 24-11, 24-34, 24-35, 24-521 and 24-551; and

WHEREAS, a public hearing was held on this application on June 23, 2015, after due notice by publication in *The City Record*, with continued hearings on January 22, 2016, and February 2, 2016, and then to decision on March 22, 2016; and

WHEREAS, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application; and

WHEREAS, the application is brought on behalf of Bais Yaakov D' Chasidei Gur, a not-for-profit religious school (the "School"); and

WHEREAS, the subject site is located on the northwest corner of 51st Street and 20th Avenue, in an R5 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 115 feet of frontage along 51st Street, 79 feet of frontage along 20th Avenue, total lot area of 9,418 sq. ft. and is improved with a four-story building; and

WHEREAS, the applicant proposes to add a fifth floor to the existing building which houses the School's pre-school, elementary, middle and high school, is run under one administration and has a current enrollment of 667 students; and

WHEREAS, the applicant represents that the School is overcrowded and proposes the expansion in order to relieve the overcrowding, allow existing space within the School to be better utilized, and accommodate the School's anticipated growth over the next five years; and

WHEREAS, the existing building has approximately 29,738 sq. ft. of floor area, a floor area ratio ("FAR") of 3.16, lot coverage of 80.4 percent, wall and total height of 44'-6", no front yard, one side yard of 15'-0" and one side yard of 0'-0", no front set back, and penetrates the sky exposure plane; and

WHEREAS, the existing building is non-compliant with the floor area (a maximum of 18,836 sq. ft. of floor area is permitted pursuant to ZR § 24-11), floor area ratio (a maximum of 2.00 FAR is permitted pursuant to ZR § 24-11), lot coverage (a maximum of 60 percent lot coverage is permitted pursuant to ZR § 24-11), wall and total height (a maximum of 35'-0" is permitted pursuant to ZR § 24-521), front yard (a minimum of 10'-0" is required pursuant to ZR § 24-34), side yard (a, additional side yard of at least 8'-0" is required pursuant to ZR § 24-35), set back (a minimum of 50 percent over 35'-0" is required pursuant to ZR § 24-551) and sky exposure plane (a maximum slope of 1:1 is required pursuant to ZR § 24-521) regulations applicable to a community facility in an R5 zoning district; and

WHEREAS, the applicant represents that the building was constructed in 1927 as a four-story apartment building and was converted to educational use in 1989; and

WHEREAS, the proposed fifth floor addition will add 7,712 sq. ft. to the floor area of the existing building and provide additional classroom, office, and library space for the School; and

WHEREAS, the addition of a fifth floor will also allow for the cellar, which had been divided into classrooms, to be restored to lunchroom and auditorium uses and for the addition of a science lab and library to the third floor and a computer room to the fourth floor; and

WHEREAS, the proposed building will have total floor area of 37,450 sq. ft., 3.98 FAR, 80.4 percent lot coverage, no front yard, one side yard of 15'-0" and no second side yard, total height of 54'-6", lack a front set back, and penetrate the sky exposure plane; and

WHEREAS, because the proposed enlargement does not comply with the applicable bulk regulation in the subject zoning district, the School seeks the requested variance; and

WHEREAS, the School states that the variance sought is necessary to meet its programmatic needs of remaining in its current location, continuing to serve local families, keeping all of the divisions of the School in the same building, providing space for its educational and extracurricular programs, and accommodating the anticipated increases in enrollment of approximately 6 percent per year over the next 5 years resulting in a total of 704 students; and

WHEREAS, the applicant states that the size and shape of the building on the premises, which is currently obsolete and unable to meet its current programmatic needs, make a vertical expansion that follows the contours of the existing building the only viable manner in which to provide much needed classroom and accessory space; and

WHEREAS, the applicant proposes to renovate the cellar to restore the lunchroom and auditorium to their intended uses; use the first and second floors for pre-school and lower elementary grade students, providing both classroom and indoor play areas that separate these students from older students; use the third floor for elementary school classrooms with a library for preschool through third grade students, a science lab, and offices; use the fourth floor for middle and high school classrooms with a computer room and offices; and use the fifth floor solely for high school students, with classrooms, a computer room, and a dedicated library/resource room; and

WHEREAS, the proposal also includes relocating existing rooftop play area to the roof above the fifth floor, installing a 10'-0" high fence, limiting the use of the area to times between sunrise and sunset and only providing lighting required by the Building Code for emergency egress; and

WHEREAS, the School contends that the requested waivers are both modest and essential to its ability to meet its programmatic needs; and

WHEREAS, the Board acknowledges that the School, as both a religious and educational institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the school and the constraints of the existing building create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the School is a not-for-profit institution and the variance is needed to further its not-for-

profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the School represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, specifically, the School states that it has occupied the subject premises, and been an essential part of the character of the neighborhood, for nearly 20 years; that the expansion will be vertical only and the additional floor will be designed to fit in with the style, shape and form of the existing building; and that a five story community facility is not out of character in around a residential zone; and

WHEREAS, in support of its argument, the School has submitted a neighborhood character study concluding that, because the premises is a corner lot with avenue frontage; the existing building is already twice as tall as the neighboring row houses; there are four-story apartment houses located adjacent to the north and directly across the street to the south; the proposed height is not atypical for the area, which includes 50 to 80 feet tall buildings alongside 20 to 30 feet tall homes, or for schools or other civic institutions in the neighborhood, and none of the taller buildings in the surrounding area, most of which were constructed before the adoption of the Zoning Resolution have setbacks, the proposed enlargement will not alter the character of the neighborhood; and

WHEREAS, with regards to the proposal's effect on transportation, the School has submitted an analysis concluding that the proposed enlargement and anticipated increase in enrollment will result in a small increment in travel to and from the School that does not reach any thresholds of significance, but nevertheless recommends that steps be taken to coordinate bus loading with available curbside space and that no-standing zones and moving lanes be more strictly enforced; and

WHEREAS, specifically, the applicant has developed an operating plan for the arrival and departure of school buses including a transportation coordination system requiring bus drivers to contact the school administrator or faculty member assigned to monitor arrivals and dismissals by cell phone to ensure that buses arrive only when there is sufficient curbside space available to accommodate them; and

WHEREAS, the School has adopted staggered school hours for its students wherein, in the morning, the high school students, who either walk or take public transportation to the School, are the first to arrive at the building at 8:45 A.M., the elementary school students enter the building between 9:00 A.M. and 9:15 A.M., and the preschool students, who are expected to take the longest to be escorted from buses and into the school because of their age are the last to enter the building after 9:15 A.M.; and in the afternoon, the preschool students depart at 3:00 P.M., a full hour before the next group of students to ensure that they have sufficient time to be loaded onto buses, elementary school students are dismissed at 4:00 P.M., and high school students are dismissed at 5:00 P.M., except on Fridays when all students are released at 12:15 P.M. and on Sundays when the high school students are dismissed at 2:00 P.M. and the elementary school students are dismissed at 2:15 P.M.; and

WHEREAS, when they are not in use, the School's buses are parked in a commercial parking lot located at 1625 Surf Avenue, Brooklyn; and

WHEREAS, the Board agrees with the School that the proposal will not alter the essential character of the surrounding neighborhood, not impair the use or development of adjacent properties, and not be detrimental to the public welfare; and

WHEREAS, the School states that, per ZR § 72-21(d), the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the School; and

WHEREAS, the School represents that, consistent with ZR § 72-21(e), the proposal represents the minimum variance needed to accommodate its current and projects programmatic needs; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to allow the School to fulfil its programmatic needs; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 14BSA153K, dated November 26, 2014; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every

one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site in an R5 zoning district, the enlargement of an existing four-story school building, contrary to ZR §§ 24-11, 24-34, 24-35, 24-521 and 24-551, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 3, 2016" – Sixteen (16) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 37,450 sq. ft. (3.98 FAR), a maximum 80.4 percent lot coverage, minimum front yard of 0'-0", minimum side yards of 15'0" and 0'-0", and maximum total height of 54'-6";

THAT these bulk parameters represent the maximum expansion possible on the subject site;

THAT buses shall be parked at a commercial lot located at 1625 Surf Avenue, Brooklyn when not in use;

THAT traffic monitors shall be utilized to keep all "No Standing" areas clear of obstruction;

THAT masonry at fifth floor level of the building façade will match the existing brick used on the lower floors;

THAT trash shall only be stored inside the premises in the dry waste and refrigerated storage areas and, at the earliest, moved to the street the night before morning trash pick-up;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 22, 2016.

229-14-BZ

APPLICANT –Jeffery A. Chester/GSHLLP, for Marmel Realty Associates Corp., owner; Lucille Roberts Health Club, Queens, LLC, lessee.

SUBJECT – Application September 23, 2015 – Special Permit (§73-36) to seek the legalization of an existing physical culture establishment (*Lucille Roberts*). C4-3A zoning district.

PREMISES AFFECTED – 55-05 Myrtle Avenue, corner of Madison Street and St. Nicholas Avenue, Block 03450, Lot 01, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Application withdrawn without prejudice.

THE VOTE TO WITHDRAW –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, March 22, 2016.

202-15-BZ

CEQR #16-BSA-024X

APPLICANT – Slater & Beckerman, PC, for 6469 Broadway HDF Company, Inc., owner.

SUBJECT – Application August 27, 2015 – Variance (§72-21) seeks a modification of 25-25 to reduce the required number of parking spaces for an 11-story, non-profit residence for the elderly from 19 to 11. R6/C2-2 zoning district.

PREMISES AFFECTED – 6469 Broadway, Block 05851, Lot 02098, Borough of Bronx.

COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 17, 2015, acting on Department of Buildings Application No. 220210581, reads in pertinent part:

"ZR 72-21: Proposed further reduction of parking required under ZR 25-25 is prohibited"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R6 zoning district and partially within an R6 (C2-2) zoning district, a reduction in the required number of parking spaces for a non-profit residence for the elderly from 19 to 11, contrary to ZR § 25-25; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, with a continued hearing and decision on March 22, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 8, the Bronx, recommends disapproval of this application; and

WHEREAS, this application is submitted on behalf of 6469 Broadway Housing Development Fund Company, Inc., a non-profit housing provider; and

WHEREAS, the subject lot is located on the west side of Broadway, between Mosholu Avenue and West 256th Street, partially within an R6 zoning district and partially within an R6 (C2-2) zoning district, in the Bronx; and

WHEREAS, the site has approximately 175 feet of frontage along Broadway and 17,510 sq. ft. of lot area; and

WHEREAS, the applicant proposes to provide 11 parking spaces in connection with an 11-story non-profit residence for the elderly containing 86 dwelling units, and 63,255 sq. ft. of floor area (3.61 FAR), including 58,582 sq. ft. floor area for Use Group 2 residential, 3,528 sq. ft. of floor area for community facility use located on the ground and second floors, and 1,145 sq. ft. of floor area for commercial use located on the ground floor; and

WHEREAS, pursuant to ZR § 25-25, the applicant is required to provide 19 accessory parking spaces; and

WHEREAS, accordingly, the applicant seeks a variance to reduce the number of parking spaces provided accessory to the non-profit residence; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the topography of the site and subsurface soil conditions create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations; and

WHEREAS, specifically, the applicant states that the steep rock outcropping located on the western third of the site poses safety challenges to providing the required parking spaces at grade because excavation of the outcropping has the potential to compromise the single- and two-family homes located above the outcropping and beyond the western lot line of the subject premises, as well as the two-level parking facility located to the south; and

WHEREAS, the outcropping more significantly impacts the subject premises than the lots on either side because those lots are corner lots with two frontages each, are permitted two curb cuts, and with greater flexibility with which to provide parking at grade than the subject lot, which is an interior lot with one frontage and permitted to have a single curb cut; and

WHEREAS, additionally, the outcropping and subsurface rock affected the design and cost-effectiveness of the building, requiring the 11-story building to utilize a single loaded corridor rather than a double loaded corridor that, because it would have permitted apartments on both sides of the hallway, would have allowed for a shorter and wider building that used less materials and, thus, been more cost-effective; and

WHEREAS, remediation of the site, pursuant to a New York State Department of Environmental Conservation ("DEC") Brownfield Cleanup Program work plan was required at the subject site on account of existing groundwater and soil contamination attributed to the site's previous use as an automobile filling and/or repair facility; and

WHEREAS, the high costs of the remediation and difficulties in removing subsurface bedrock have prevented the applicant from undertaking additional excavation on the property and resulted in, *inter alia*, the provision of only a partial cellar for the building utilized solely for mechanical and storage space; and

WHEREAS, the applicant represents that providing fully attended parking stackers is not a viable alternative to providing parking at grade because of the additional annual operating expense of providing a full-time parking attendant; that providing parking on the ground floor of the building is not viable because it would require extensive, and challenging, excavation of the rock outcropping and require that the community facility space intended for the ground floor be displaced to an upper floor thereby reducing its marketability to tenants; and that below grade parking is not viable because of the extensive costs associated with further excavation of the subsurface rock; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, since the applicant is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested; and

WHEREAS, the applicant represents that the requested reduction of eight parking spaces will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, in support of this assertion, the applicant has provided a parking demand study concluding that at its peak, the non-profit residence will generate a demand of nine parking spaces, two less than the number of spaces provided, and notes that auto ownership rates are low among senior residents of independent housing; and

WHEREAS, the applicant provides as an illustrative example another non-profit residence for the elderly located to the north of the subject property with 64 dwelling units and 14 accessory off-street parking spaces which are underutilized, as evidenced by publicly accessible satellite imagery; and

WHEREAS, the applicant additionally asserts that it has observed a low demand for accessory parking at the seven existing non-profit residences for the elderly owned and managed by its parent organization, each containing between 65 and 288 residential units, nearly all, like the subject premise, located more than a half-mile from a subway station and with accessory parking facilities regularly less than half occupied; and

WHEREAS, the applicant notes that the subject premises are well served by public transportation including a bus stop located approximately 15 feet north of the premises served by both MTA and Westchester County bus routes that provide access to shopping districts and transfer connections to other mass transfer systems including the subway and Metro North, and a Hudson Rail Link bus line stop located on the corner of Mosholu Avenue and Broadway, a three minute walk away; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 16-BSA-024X, dated January 27, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site partially within an R6 zoning district and partially within an R6 (C2-2) zoning district, a reduction in the required number of parking spaces for a non-profit residence for the elderly from 19 to 11, contrary to ZR § 25-25, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 9, 2016" – nine (9) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 22, 2016.

203-15-BZ
CEQR #16-BSA-025M

APPLICANT – Kramer Levin Naftalis & Frankell LLP, for Margaret Cotter, Liberty Theaters, owners.

SUBJECT – Application August 28, 2015 – Variance (§72-21) to allow the restoration, reuse and enlargement of an existing commercial building located partly in a C6-4 district/Special Union Square District and an R8B district. The building is Tammany Hall and is a landmark.

PREMISES AFFECTED – 44 Union Square East, Block 0872, Lot 078, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:.....0

Recused: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated October 28, 2015, acting on Department of Buildings Application Nos. 121193047, reads in pertinent part:

1. ZR 22-10. Proposed Use Group 6 and 10 are not permitted in the R8B zoning district portion of the zoning lot per ZR Section 22-10. There are no bulk and use regulations for a commercial use in a residential zoning district.
2. ZR 118-31. Proposed enlargement does not meet the minimum street wall height requirements of 85 feet per ZR Section 118-31.
3. ZR 118-42. Proposed enlargement does not meet the principal entrance requirements per ZR 118-42; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a landmark site partially within a C6-4 zoning district and partially within an R8B zoning district, partially within the Special Union Square District, the conversion and enlargement of an individual New York City landmark building known as Tammany Hall (the "Building"); and

WHEREAS, the proposed conversion and enlargement does not comply with zoning regulations for use, minimum street wall height and principal entrance, contrary to ZR §§ 22-10, 118-31, and 118-42; and

WHEREAS, a public hearing was held on this application on January 22, 2016, after due notice by publication in the *City Record*, with a continued hearing on February 23, 2016, and then to decision on March 22, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the northwestern portion of the block bounded by Union Square East, to the west, East 17th Street, to the north, Irving Place, to the east, and East 16th Street, to the south; the site has 79 feet of frontage along Union Square East and 150 feet of frontage along East 17th Street, it contains approximately 11,975 sq. ft. of lot area; the portion of the site that extends 100 feet east of Union Square East is within a C6-4 zoning district, and also within the Special Union Square District, the remainder of the subject site is located within an R8B zoning district and is not located within the Special Union Square District; and

WHEREAS, as stated in the New York City Landmarks Preservation Commission's ("LPC") October 29, 2013 Designation Report (Designation List 469, LP-2490) (the "Designation Report") the Building is an individual New York City Landmark; and

WHEREAS, the applicant states that the Building was constructed in 1928 as the headquarters of Tammany Hall, a New York City political organization, and notes that, as stated in the Designation Report, the Building was designed in the Neo-Georgian style evocative of New York's Federal Hall and Thomas Jefferson's Monticello; and

WHEREAS, the applicant states that the Building's configuration reflects its design for us as the headquarters of an early 20th Century political party, specifically; the applicant states that the Building contains an auditorium designed as a meeting hall for political rallies and meetings, retail storefronts along Union Square East, offices on the second and third floors, and a caretaker's apartment on the partial fourth floor of the Building; and

WHEREAS, the applicant notes that the auditorium occupies the eastern two thirds of the Building and is capped by a dome that rises to a height of 40'-0"; and

WHEREAS, the applicant states that the central portion of the Building contains a windowless room on an interstitial floor between the third and fourth floors of the Building, which is accessed through a separate stairway from the third floor; and

WHEREAS, the applicant states that the building was sold in 1943 to Local 91 of the International Ladies Garment Workers Union, which used the building for administrative offices, meeting rooms, classrooms, and art studios; and

WHEREAS, the applicant states that since 1983, the Building's auditorium has been used as the Union Square Theater, that local retail occupies the ground floor retail spaces and classroom space, and that the remainder of the Building was, until recently, occupied by classroom and production space for the New York Film Academy, a for-profit film school (the remainder of the Building is currently vacant); and

WHEREAS, the applicant states that the Building contains 35,744 sq. ft. of floor area; and

WHEREAS, the applicant proposes to remove the auditorium and replace the existing ground floor, and partial second, third, and fourth floor slabs with full floor slabs; add a new fifth and sixth floor; construct a new glass and steel dome at the roof of the Building; add five elevators; restore the Building's historic façade; and excavate portions of the cellar; and

WHEREAS, the applicant also proposes to use portions of the Building, including portions located in the R8B zoning district, for commercial use (Use Groups 6 and 10); specifically, the proposed enlargement would increase the floor area of the Building from 35,744 sq. ft. of floor area to 55,115 sq. ft. of floor area, with retail use (UG6 or 10A) in the cellar, first, second, and third floors, and office use (UG6B) on the fourth, fifth, and sixth floors; and

WHEREAS, in order to enlarge the Building as proposed, the applicant seeks the following waivers: (1) use (the proposed UG6 or 10A retail uses are not permitted in the R8B zoning district, as per ZR § 22-10); (2) street wall height (a mandatory street wall height of 85'-0" to 125'-0" is required pursuant to ZR § 118-31, a street wall height of 49'-7½" is proposed); (3) location of principal entrance (as per ZR § 118-42, if a use occupies at least 40-percent of the floor area of a building or portion of a building that fronts on Union Square East, then the principal entrance to that use shall be located on such street, the applicant proposes to locate the principal entrance of the Building for the office uses on East 17th Street); and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the following are unique physical conditions which create an unnecessary hardship in developing the site in compliance with applicable regulations: (1) the history of the development of the site; and (2) the location of the subject site within two zoning districts; and

WHEREAS, the applicant notes that the Building was designed for a purpose which no longer exists, to wit, the headquarters of political party which operated in the 19th and early 20th centuries, thus, the applicant states, the Building's interior is functionally deficient and unsuited for its current use; and

WHEREAS, specifically, the applicant states the eastern two-thirds of the Building are occupied by an obsolete auditorium which was purpose-built as a political meeting hall and not a theater and, as such, it contains a number of deficiencies which preclude its successful use by a theater production company, including, *inter alia*, a lack of wing space, no crossover behind the stage, a 40'-0" high dome which is ill-suited to musical productions absent significant modification or acoustical treatment, insufficient dressing rooms and offices, a lack of an orchestra pit and the absence of a trap door beneath the stage, and a lobby that cannot accommodate an audience before or after performances; and

WHEREAS, in support of the foregoing, the applicant submitted a letter from the President of Liberty Theatres, the owner of the Building, dated June 23, 2015; and

WHEREAS, the applicant states further that the westernmost portion of the Building contains small rooms with low ceiling heights on multiple levels, inefficiencies which preclude a profitable use of the Building; and

WHEREAS, the applicant notes that because of site's split-lot condition, there are different use regulations applicable to the eastern and western portions of Building; the applicant states that the foregoing condition precludes the replacement of the Building's inefficient floors with new floors at appropriate floor to ceiling heights to allow for commercial uses throughout the Building, as commercial use is not permitted in the R8B portion of the site; the applicant also states that reusing the Building for residential use, which is permitted in both zoning districts, is not practicable due to the large floor plates of the Building, the lack of natural light to the Building's interior, and non-compliances with the New York State Multiple Dwelling Law as well as other applicable regulations related to light and air, required yards, circulation, and means of egress; and

WHEREAS, based upon the foregoing, the Board finds that the history of the development of the site and landmarked Building, in conjunction with the split-lot condition of the site, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided the Board with an analysis of an as-of-right development scenario in which the Building would be developed in two discrete portions along the zoning district boundary line, with the western two-thirds of the Building within the C6-4 zoning district used for office and retail uses and the eastern third of the Building, within the R8B zoning district, used for residential use on the second through fifth floors, with retail on the first floor (the "As-of-Right Development"); and

WHEREAS, the applicant notes that the As-of-Right Development would necessitate a mansard roof to be constructed within the existing roof volume, an elevator core located along the zoning district boundary line to serve both the commercial and residential portions of the Building and a lobby along Union Square East for the office use within the Building; and

WHEREAS, the applicant also states that additional components of the As-of-Right Development include: the inclusion of a courtyard within the western (commercial) portion of the Building in order to provide natural light to the offices on the fourth and fifth floors of that portion of the Building; the demolition of the rear wall of the Building within the R8B zoning district and the construction of a replacement wall with the required 15'-0" distance between the windows of the rear residential units and the wall of the adjoining building; a complying rear yard on the fifth floor of the Building; and

WHEREAS, the applicant notes that the As-of-Right Development would increase the floor area of the Building from 35,744 sq. ft. to 52,613 sq. ft. and would maintain the existing bulk non-compliances within the R8B zoning district, the non-complying street wall height of 49'-7½", and the encroachment of the rebuilt mansard roof into the required 15'-0" setback required above 60'-0"; and

WHEREAS, the applicant also provided the Board with an analysis of a lesser variance scenario in which, like the As-of-Right Development, the existing floors would be replaced with new floor slabs at standard floor to ceiling heights throughout the Building and retail and office uses would be located throughout the entire Building, including within the R8B portion thereof, with the primary entrance to the office use on East 17th Street (the "Lesser Variance Development"); and

WHEREAS, the applicant submits that the As-of-Right Development would not be financially feasible in that the proposed commercial and residential use would not generate sufficient income to meet the necessary construction costs including, *inter alia*, demolishing the Building's interior, constructing new floor slabs, demolishing and constructing a new rear wall within the R8B zoning district, and restoring the Building's historic façade as required by the LPC; and

WHEREAS, the applicant maintains that the return on the office use contemplated in the As-of-Right Development would be compromised by the deep and windowless office spaces on the fourth and fifth floors of the Building and that the return on the residential use contemplated in the As-of-Right Development would be compromised by (1) a lack of windows on the East 17th Street façade of the fourth and fifth floors, such that residential units thereupon would be reliant on skylights for natural light, (2) limited light to the rear residential units due to the existing non-complying rear yard, and (3) the units facing East 17th Street are negatively impacted by neighboring uses, including the loading bay of the W Hotel and the proximate pedestrian and vehicular commercial activity characteristic of Union Square; and

WHEREAS, the applicant also submits that the Lesser Variance Development would not be a financially feasible project because the proposed commercial use in an enlargement that comprises less floor area than the proposed project, and locates that floor area within two floors with minimal windows, could not generate sufficient income to meet the construction costs associated with such development, including the demolition of the Building's interior, the construction of new floor slabs, and the restoration of the Building's historic façade; and

WHEREAS, the applicant considered two alternatives to the As-of-Right Development, a six unit alternative and a three unit alternative; both alternatives to the As-of-Right Development were evaluated as both rental and condominium units; the applicant states that with respect to the rental unit analysis in both alternatives, the development costs would greatly exceed the value of the capitalized net operating income; the applicant also states that with respect to the condominium unit analysis in both alternatives, there would be a negative annualized return on total investment; and

WHEREAS, the foregoing financial analyses were supported by a Financial Report dated July 1, 2015, and updated in response to concerns articulated by the Board by letters dated February 9, 2016 and March 3, 2016; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states the area surrounding Union Square Park is characterized by large commercial uses and ground floor retail; and

WHEREAS, the applicant states that the proposed location of the office lobby on East 17th Street and the proposed commercial use within the R8B zoning district are consistent with neighboring commercial uses; and

WHEREAS, the applicant also states that the peak pedestrian traffic volumes related to the proposed office and retail use would be more compatible with the surrounding residential uses than the evening and weekend activity associated with the Building's existing theater use; and

WHEREAS, the Board notes that on November 16, 2015, the LPC issued Certificate of Appropriateness No. 17-8942 (expires March 10, 2021) for the proposed development (the "C of A"); and

WHEREAS, the applicant notes that, as per the C of A, the applicant will restore the existing façade of the Building and will rebuild two stone piers at the center of the Building's Union Square East façade; and

WHEREAS, the applicant states that the required façade restoration will also include replacing storefront infill, signage and canopies erected in the 1950s, with appropriate signage and more transparent storefront windows and entryways along East 17th Street; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site, including the history of the development of the site and the split-lot condition of the site; and

WHEREAS, the Board finds that the subject proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type 1 action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 16-BSA-025M, dated December 21, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, DEP reviewed the project as proposed and determined that the proposed boiler would not result in significant adverse air quality impacts; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type 1 Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, , on a site partially within a C6-4 zoning district and partially within an R8B zoning district, partially within the Special Union Square District, the conversion and enlargement of an individual New York City landmark building that does not comply with zoning regulations for use, minimum street wall height and principal entrance, contrary to ZR §§ 22-10, 118-31, and 118-42; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 21, 2016"– Eighteen (18) sheets; and *on further condition*:

THAT the following will be the parameters of the proposed building: a six floor with cellar commercial use building (UG6 and UG10) containing 55,115 sq. ft. of floor area (4.57 FAR), a street wall height of 49'-7½" with the principal entrance of the Building for the office use located on East 17th Street, all as reflected on the BSA-approved plans;

THAT all construction shall be in conformance with the LPC Certificate of Appropriateness No. 17-8942, dated November 16, 2015;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT a natural gas boiler flue be located greater than 59'-0" from the east lot line facing Irving Place;

THAT all deliveries to the subject building shall be made curbside, at the building service entrance located on East 17th Street, and shall proceed through the service corridor;

THAT deliveries may not be left on the sidewalk or anywhere else outside the subject building;

THAT building management shall, when practicable, schedule deliveries during off-peak hours to avoid pedestrian congestion;

THAT building management shall monitor deliveries and shall be responsible for keeping sidewalks free of hazards or obstructions caused by or related to deliveries;

THAT prior to the issuance of a certificate of occupancy for the occupancy of the ground floor of the building, an

elevator shall be installed in order to provide the ground floor retail tenant with access to the service corridor;

THAT all building trash shall remain stored within the building in the designated trash room and transferred internally through the building's service corridors to be placed curbside no more than one (1) hour before scheduled trash pick-up;

THAT trash shall be removed from the site six (6) days per week;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 22, 2016.

24-14-BZ

APPLICANT – Gerald J. Caliendo, Architect, PC, for Frank Moreno, owner.

SUBJECT – Application February 3, 2014 – Variance (§72-21) to legalize an enlargement of an existing one family residence and a conversion from one dwelling unit to two dwelling units, contrary to front and side yards (§23-45 and §23-46). R4 zoning district.

PREMISES AFFECTED – 106-02 Sutter Avenue, Block 11506, Lot 42, Borough of Queens.

COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

30-14-BZ

APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.

SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.

PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

102-14-BZ

APPLICANT – Moshe M Friedman, P.E., for Cong. Tiferes Avrahom D'Zidichov, owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the extension of house of worship (UG4) (*Congregation Tifreres Avahom D'Zidichov*) in an existing building on the lot of a three story brick building located within an R3-2zoning district.

PREMISES AFFECTED – 4017 Avenue P, northerly side of Avenue P 40' westerly from the corner of the Northerly side of Avenue and the Westerly side of Coleman Street, Block 07859, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #3BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for decision, hearing closed.

240-14-BZ
APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.
SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.
PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

329-14-BZ
APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.
PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

44-15-BZ
APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.
SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633) and rear setback requirements (§23-633(b). R8 zoning district.
PREMISES AFFECTED – 145 Central Park North, between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.
COMMUNITY BOARD #10M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, MARCH 22, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

21-15-BZ
APPLICANT – Eric Palatnik, P.C., for Edward Nektalov, owner.
SUBJECT – Application February 5, 2015 –Special Permit (73-621) to for the enlargement of an existing one-family dwelling which will not provide the required open space ratio. R1-2A zoning district.
PREMISES AFFECTED – 112-35 69th Avenue, between 112th Street and Grand Central Parkway Service Road, Block 2241, Lot 48, Borough of Queens.
COMMUNITY BOARD #6Q
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

39-15-BZ
APPLICANT – Bryan Cave, LLP, for Chun Woo Realty Corp., Owner.
SUBJECT – Application March 3, 2015 – Variance (§72-21) to permit the construction of a new 12 story, 37,166 sq., ft. office building (UG 6) with ground floor retail (UG 6) contrary to floor area (§33-122) and setback requirements (§32-24). C6-2A zoning district.
PREMISES AFFECTED – 74-76 Eighth Avenue, southeast corner of 8th Avenue and West 14th Street. Block 618, Lot 5. Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

252-15-BZ
APPLICANT – Law Office of Jay Goldstein, PLLC, for Yaakov Max, owner.
SUBJECT – Application November 2, 2015 – Special Permit (§73-622) to permit an enlargement of an existing two-family home to be converted to a single family home contrary to floor area and open space (ZR 23-141(b)); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 1120 East 24th Street, Block 7623, Lot 053, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4150-BZ
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2016-4151-BZ
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2016-4152-BZ
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2016-4153-BZ
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2016-4154-BZ
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2016-4155-A
1 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 196, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4156-A
5 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 197, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4157-A
9 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 198, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4158-A
15 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 199, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4159-A
19 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 42, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4160-A
23 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 41, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4161-A
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2016-4162-A
31 Montana Court, east of Van Pelt Avenue and west of Van Name Avenue, approximately 289 feet south of Walker Street., Block 01196, Lot(s) 201, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

2016-4163-BZ
8120 Colonial Road, west side of Colonial Road between 81st and 82nd Streets., Block 05994, Lot(s) 45, Borough of **Brooklyn, Community Board: 10**. Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space ZR 23-141. R2 zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
MAY 3, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 3, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

374-71-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 205-11 Northern Boulevard LLC, owner.
SUBJECT – Application May 7, 2014 – Extension of Term of a previously granted Variance (72-21) for the continued operation of an automobile showroom with open display of new and used cars (UG16) with accessory customer and employee parking in a previously unused vacant portion of the premises which expired on July 18, 2011. C2-2 (R3-2) zoning district.
PREMISES AFFECTED – 205-11 Northern Boulevard, Block 06269, Lot 20, Borough of Queens.
COMMUNITY BOARD #11Q

77-99-BZ
APPLICANT – Alfonse Duarte, P.E., for Turnpike Auto Laundry Inc., owner.
SUBJECT – Application February 24, 2015 – Extension of Term of previously approved variance which permitted the operation of an existing auto laundry which expired on February 8, 2015. C8-1 & R2A zoning districts.
PREMISES AFFECTED – 255-39 Jericho Turnpike, Block 8830, Lot 52, Borough of Queens.
COMMUNITY BOARD #13Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, APRIL 5, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

173-93-BZ
APPLICANT – Eric Palatnik, P.C., for YMCA, owner.
SUBJECT – Application July 17, 2015 – Amendment of a previously approved variance permitting a community facility with accessory parking. The amendment seeks to incorporate the unused development rights into a new as of right hotel. M1-4 zoning district.
PREMISES AFFECTED – 32-23 Queens Boulevard aka 43-11 32nd Place, Block 244, Lot 24, Borough of Queens.
COMMUNITY BOARD #2Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance previously granted by the Board which permitted a community facility with an accessory parking lot within an M1-4 zoning district; and

WHEREAS, the purpose of this application is to facilitate the transfer of 39,614 sq. ft. of unused commercial development rights appurtenant to the subject site (Block 244, Lot 24) by the owner of the site to the owner of a development site (tentatively comprise of Block 244, Lot 50, the "Development Site") where it is proposed to construct an as-of-right hotel; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, and then on to decision on April 5, 2016; and

WHEREAS, Vice Chair Hinkson, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 2, Queens, recommends disapproval of this application; and

WHEREAS, the application is brought on behalf of the YMCA which owns the subject site and seeks the Board's authorization to merge the subject site with the Development Site; and

WHEREAS, the subject site is a corner lot located on the northeast corner of Queens Boulevard and 32nd Place, within an M1-4 zoning district, in Queens; and

WHEREAS, the subject site has approximately 100 feet of frontage along Queens Boulevard, 400 feet of frontage along 32nd Place, 40,000 sq. ft. total lot area and is improved with a one-story and two-story community facility building with a combined 49,134 sq. ft. of total floor area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 18, 1994 when, under the subject calendar number, the Board granted a variance to permit, in what was then an M2-1 zoning district, a proposed change in use of an existing two-story factory (Use Group 17) to a community facility (Use Group 4) with an accessory parking garage with rooftop parking; and

WHEREAS, on September 18, 1995, the City Planning Commission ("CPC") rezoned property bound by Skillman Avenue, 34th Street, 48th Avenue and 30th Street, which includes the subject premises, from an M2-1 zoning district to an M1-4 zoning district (CP No. C 950403 ZMQ); and

WHEREAS, on December 9, 1997, under the subject calendar number, the Board reopened and amended the previously approved variance to permit changes to the approved plans, including a reduction in size of the structure, omission of the 65-car parking garage and provision of 43 on-site parking spaces; and

WHEREAS, on December 4, 2001, under the subject calendar number, the Board amended the variance to permit an enlargement of the community facility; and

WHEREAS, by letter dated August 15, 2002, the Board permitted a reduction in the size of the approved enlargement; and

WHEREAS, the applicant represents that no changes to the subject building are associated with the proposed merger of the zoning lots and development rights transfer; and

WHEREAS, in addition, the applicant contends that the proposed transfer of development rights is consistent with the New York Court of Appeals' decision in *Bella Vista v. Bennett*, 89 N.Y. 2d 565 (1997), setting forth the parameters of Board review of requests for the transfer of development rights from sites for which a variance has been granted; and

WHEREAS, the applicant asserts that the transfer of the unused development rights from the subject site is not in conflict with the previously granted and amended variance; and

WHEREAS, the applicant notes that because the subject lot was owned by a non-profit-organization and used in furtherance of that organization's purposes, no financial hardship under ZR § 72-21(b) was required to have been demonstrated in connection with the original variance grant and, therefore, the Board did not consider assigning a value to the unused development rights; and

WHEREAS, accordingly, the applicant suggests that the appropriate inquiry is whether the floor area to be transferred was contemplated as necessary for the organization to meet its programmatic needs at the time of the grant and whether the transfer of the floor area will stymie the organization's programmatic needs in the future; and

WHEREAS, the applicant represents that floor area to be transferred was not required for the programmatic needs of the applicant at the time of the grant and that, at the time of the grant of the variance, the premises were located in an M2-1 zoning district with a maximum FAR of 2.0, permitting development of 80,000 sq. ft. of floor area, and the Board

approved a development with 41,560 sq. ft. of floor area; and

WHEREAS, the applicant further represents that the developable floor area at the premises changed upon its rezoning to an M1-4 zoning district where the maximum FAR is 6.50, comprised of a maximum FAR of 4.50 (180,000 sq. ft. of floor area) for a community facility use and a maximum FAR of 2.0 (80,000 sq. ft. of floor area) for a commercial use; that the premises currently utilize zero sq. ft. of commercial floor area and 49,134 sq. ft. of community facility floor area; and that the transfer of 39,614 sq. ft. of commercial floor area from the subject lot to the Development Site will leave the subject premises with 40,386 sq. ft. of commercial floor area and 130,866 sq. ft. of community facility floor area (171,252 sq. ft. total floor area) for the organization's future development, enabling the organization to accommodate any future changes in its programmatic needs; and

WHEREAS, therefore, the applicant states that an amendment to the variance to facilitate the transfer of the unused development rights from the subject site to the Development Site does not undermine the integrity of the Board's earlier findings under ZR § 72-21 because the facts of the instant application are readily distinguishable from those underlying the Court's holding in *Bella Vista*; and

WHEREAS, specifically, the applicant contends that the subject premises and the Development Site have never been in common ownership and concludes that the use of the development rights as a result of the intended merger is therefore not inconsistent with the variance; and

WHEREAS, the Board notes that *Bella Vista* concerned a permit request for a new as-of-right residential building proposed to be built through the transfer of development rights—from a site in which the Board granted a use variance to permit the operation of a movie theater in a residential zoning district, to a separate adjacent site under common ownership—for development of a complying residential building; and

WHEREAS, the Court held that review and approval of such transfers by the Board was required, *inter alia*, because the basis for the original grant, particularly with respect to the findings of financial hardship under ZR § 72-21(b) and minimum variance needed to provide relief under ZR § 72-21(e), may be implicated by the proposed transfer; and

WHEREAS, the Board credits the applicant's assertions that, unlike in *Bella Vista*, the subject site and the Development Site have been under separate, unrelated ownership since the Board's grant of the variance and that, therefore, the applicant lacked control over the timing and nature of the development of the Development Site; and

WHEREAS, the Board also notes that a brief period of time elapsed between the issuance of the variance underlying the *Bella Vista* decision and the date of the permit application in which the owner proposed to use floor area transferred form the variance site, further distinguishing that case from the instant application; and

WHEREAS, the Board acknowledges that in *Bella Vista*, the permit application proposing to use floor area transferred from the variance site was filed only three years after the Board grant, while the subject variance was issued 22 years ago, in 1994; and

WHEREAS, the Board agrees that the difference in timing and ownership distinguish the *Bella Vista* case from the instance case and supports the conclusion that the use of the subject site's unused development rights was not foreseeable by the owner of the Development Site or the Board; and

WHEREAS, the Board finds that the proposed transfer of development rights does not implicate or affect the basis for its findings at the time that they were made; and

WHEREAS, the Board observes that this finding is based on the infeasibility of assemblage at the time of the variance; and

WHEREAS, based upon its review of the record, the Board does not object to the transfer of unused development rights from the subject site or the proposed zoning lot merger, but notes that any further changes to the subject site that are inconsistent with prior approvals are subject to the Board's review and approval.

Therefore, it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, having been adopted on October 18, 1994, so that as amended this portion of the resolution shall read: "to permit the merger of the subject site with a contiguous parcel on Block 244, in Queens, and the associated modifications to the BSA-approved site plan; and *on condition*:

THAT the zoning calculations, including any transfer of development rights, shall be subject to DOB's review and approval and shall be in full compliance with underlying bulk regulations;

THAT the site shall remain subject to the Board's jurisdiction, including modifications to the buildings on the site;

THAT all conditions from the prior resolution not specifically waived by the Board shall remain in effect;

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 5, 2016.

142-92-BZ & 289-13-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP., for New York Methodist Hospital, owner.

SUBJECT – Application March 8, 2016 – Re-Hearing of a previously approved amendment of a special permit (§73-48) for a community facility (New York Methodist Hospital). The application seeks to amend the approved plans to accommodate required accessory parking in a new ambulatory care facility. R6, C1-3/R6 and R6B zoning district.

Re-Hearing of a previously approved Variance (§72-21) permitting the development of a new, 304,000 s.f. ambulatory care facility on the campus of New York Methodist Hospital, contrary to floor area (§§24-11, 24-17 and 77-02), lot coverage (§24-11), rear yard (§24-382),

height and setback (§24-522), rear yard setback (§24-552), and sign (§22-321) regulations. R6, C1-3/R6, and R6B zoning district.

PREMISES AFFECTED – 473-541 6th Street, 502-522 8th Avenue, 480-498 & 542-548 5th Street, and 249-267 7th Avenue, Block bounded by 7th Avenue, 6th Avenue, 8th Avenue and 5th Street. Block 1084, Lots 39, 164, 1001 and 1002. Borough of Brooklyn.

COMMUNITY BOARD #6BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, on June 17, 2014, under BSA Cal. No. 289-13-BZ, the Board granted a variance pursuant to ZR § 72-21 to allow the expansion and redevelopment of New York Methodist Hospital (the "Hospital") contrary to the applicable provisions of the Zoning Resolution for FAR, lot coverage, rear setback, rear yard, rear yard equivalent, and signage; and

WHEREAS, also on June 17, 2014, under BSA Cal. No. 142-92-BZ, the Board adopted an amendment to an existing special permit to allow certain changes to the parking facility at the site; and

WHEREAS, the aforementioned June 17, 2014, decisions under BSA Cal. Nos. 289-13-BZ and 142-92-BZ are referred to collectively herein as the "2014 Approvals"; and

WHEREAS, on December 16, 2014, the Board denied a motion, made by a coalition of neighbors of the Hospital known as Preserve Park Slope (the "Opposition"), to reargue or, in the alternative, rehear, BSA Cal. Nos. 289-13-BZ and 142-92-BZ and modify or reverse the 2014 Approvals; and

WHEREAS, subsequent to the Board's December 16, 2014, denial, the Opposition commenced an action against the Board, the City of New York and the Hospital (*Preserve Park Slope, Inc., et al. v New York City Board of Standards and Appeals, et al.*, Sup Ct., Kings County, Index No. 100732/14) for a judgment pursuant to Article 78 and Section 3001 of the New York Civil Practice Laws and Rules (the "Litigation"); and

WHEREAS, the Litigation was settled and discontinued pursuant to a so-ordered stipulation dated January 6, 2015 (the "Settlement"); and

WHEREAS, pursuant to the Settlement, the Hospital is obligated to make certain changes to the Hospital's Center for Community Health (the "Center") and the plans which were approved by the Board upon the issuance of the 2014 Approvals (collectively, the "Approved Plans"); and

WHEREAS, upon reviewing the Settlement, the Board, by its own motion made and unanimously approved on March 8, 2016, called for a review of the 2014 Approvals and the Hospital's stated programmatic needs therefor, pursuant to 2 RCNY § 1-12.6, which provides, in pertinent part, that:

> In accordance with § 666(8) of the Charter, the Board may, for good cause, on its own motion at a public hearing, review any decision that is has made and may reverse or modify such decision…; and

WHEREAS, a public hearing on BSA Cal. Nos. 289-13-BZ and 142-92-BZ was held on April 5, 2016, on the Board's SOC calendar, after notice pursuant to the Board's Rules, and then to decision on the same date; and

WHEREAS, the subject site comprises the majority of Block 1084; it includes Tax Lots 39, 164, 1001, and 1002, and has frontages along Fifth Street, Sixth Street, Seventh Avenue, and Eighth Avenue; and

WHEREAS, the Hospital states that its programmatic needs for the development of an ambulatory care facility and appropriate space for outpatient care facilities located on its main campus have not changed since the Board issued the 2014 Approvals, but maintains that the manner in which these needs will be addressed has been amended in response to the Settlement and operational pressures resulting from the use of the Hospital's existing facilities, requiring those facilities to remain in the Main Hospital rather than in the Center; and

WHEREAS, the Hospital states that pursuant to the Settlement, it is obligated to (1) eliminate the seventh floor of the Center; (2) reorient the Center's doors located at the corner of 8th Avenue and 6th Street; and (3) introduce a planted area along the Center's 8th Avenue façade; and

WHEREAS, moreover, the Hospital notes that the construction of the Center was delayed by the Litigation and, as such, the equipment replacement cycle for the Hospital's existing radiation oncology facilities and hyperbaric wound care facilities will end before the Center is operational; the Hospital states that, as a result, the required equipment for the aforementioned facilities must be updated and installed in the Main Hospital in spaces that are adequate to satisfy projected patient demand, and not in the Center; and

WHEREAS, the Hospital also states that, subsequent to the 2014 Approvals, its architect and consultants engaged in a review of the Center in an effort to make the building more efficient; the Hospital states that a number of minor design changes resulted from this review, including, *inter alia*; (1) the Hospital will provide steam service to the Center from the Hospital's existing boiler plan, thereby eliminating the boiler plant shown above the Center's loading dock on the Approved Plans; (2) the Hospital will reduce the footprint of the Center's loading dock; (3) the reduction in height of a number of the floors in the Center, for a total reduction in building height, exclusive of the reduction attributable to the elimination of the seventh floor of the building, of two feet; and (4) changes to the Center's façade materials, fenestration, and column grids; and

WHEREAS, the Hospital states that eliminating the Center space which had been allocated for the radiation oncology facilities and hyperbaric wound care facilities allows it to meet the requirements of the Settlement without compromising the Center's ability to support the Hospital's programmatic needs; and

WHEREAS, in support of the foregoing, the Hospital submitted to the Board, in addition to proposed revisions of the Approved Plans, a table which illustrates the reallocation of programmatic components within the proposed-revised Center; and

WHEREAS, the Hospital states that the proposed changes to the Center and Approved Plans allows the Hospital to meet its programmatic needs, comply with the Settlement, address operational requirements which resulted from the delayed construction of the Center, and improve the design and efficiency of the Center; and

WHEREAS, the Hospital states that the proposed changes to the Center and Approved Plans do not require any new waivers or the increase of any previously granted waivers, and notes that some of the waivers contained in the 2014 Approvals will be reduced pursuant to those changes; and

WHEREAS, the Board notes that pursuant to its rules, as well as ZR §§ 72-01 and 72-22, it may permit amendments to an existing variance and approved plans; and

WHEREAS, the based upon its review of the record, the Board finds that the proposed amendments to the Approved Plans and 2014 Approvals is appropriate, and that such amendments represent the minimum relief necessary for the Hospital to meet its programmatic needs; and

Therefore it is Resolved, that the Board of Standards and Appeals *amends* the resolutions issued under BSA Cal. Nos. 289-13-BZ and 142-92-BZ, dated June 17, 2014, such that as amended this portion of the resolutions reads: "to permit the proposed modifications to the previously-approved plans"; *on condition* that all work will substantially conform to drawings, filed with these applications marked "Received March 28, 2016" – eight (8) sheets and "Received March 28, 2016" – twenty-five (25) sheets; and *on further condition*:

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 5, 2014.

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for continued hearing.

364-82-BZ
APPLICANT – Troutman Sanders LLP, for Little Neck Commons LLC, owner; Bally's Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy for a previously approved Special Permit which permitted the operation of a Physical Cultural establishment; Amendment to reflect a change in owner/operator. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 245-24 Horace Harding Expressway, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

229-84-BZ
APPLICANT – Troutman Sanders LLP, for High Definition Realty, LLC, owner; Bally Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy and Amendment (§73-11) of a previously granted special permit (§73-36) to reflect a change in ownership from Bally Total Fitness to 24 Hour Fitness, Inc., Also to include the replacement of accessory business signs to reflect the 24 Hour Fitness logo, located. M1-1 zoning district.
PREMISES AFFECTED – 75-28 Queens Boulevard, Block 2450, Lot 0001, Borough of Queens.
COMMUNITY BOARD #4Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 2,

2016, at 10 A.M., for decision, hearing closed.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

186-08-BZ
APPLICANT – Petrus fortune, P.E., for Followers of Jesus Mennonite Church, owners.
SUBJECT – Application November 19, 2014 – Extension of Time to Complete Construction of a previously approved Special Permit (§73-19) permitting the legalization and enlargement of a school (*Followers of Jesus Mennonite Church & School*) in a former manufacturing building, contrary to ZR §42-10, which expired on June 8, 2014; Waiver of the Rules. M1-1 zoning district.
PREMISES AFFECTED – 3065 Atlantic Avenue, north west corner of Atlantic Avenue and Shepherd Avenue, Block 03957, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #5BK
ACTION OF THE BOARD – Off Calendar.

35-10-BZ
APPLICANT –Sheldon Lobel, P.C., for Torath Haim Ohel Sara, owner.
SUBJECT – Application September 24, 2014 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved Variance (§72-21) which permitted the legalization of an existing synagogue (Congregation Torath Haim Ohel Sara), contrary to front yard (§24-34), side yard (§24-35) and rear yard (§24-36), which expired on March 8, 2012; Amendment to permit minor changes to the construction; Waiver of the rules. R4 zoning district.
PREMISES AFFECTED – 144-11 77th Avenue, between Main Street and 147th Street, Block 6667, Lot 45, Borough of Queens.
COMMUNITY BOARD #8Q
ACTION OF THE BOARD – Off Calendar.

227-10-BZ
APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.
SUBJECT – Application April 16, 2015 – Amendment (§11-412) of a previously approved variance permitting the operation of an automotive service station (UG 16B). The amendment seeks to install a canopy, replace gasoline storage tanks, increase the number of parking spaces, add ADA accessible ramp and accessory parking spaces. R3-2/C2-2 zoning district.
PREMISES AFFECTED – 204-12 Northern Boulevard, northern Boulevard between 204th Street and Clearview Expressway, Block 07301, Lot 11, Borough of Queens.
COMMUNITY BOARD #11Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 12, 2016, at 10 A.M., for decision, hearing closed.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

138-11-A
APPLICANT – Sheldon Lobel, P.C., for 64-01 Woodside Realty, Inc., owner.
SUBJECT – Application December 11, 2015 – Extension of Time to Complete Construction of a previously granted common law vesting rights application.
PREMISES AFFECTED – 64-01 Woodside Avenue, north side of Woodside Avenue, between 64th and 65th Streets, Block 01296, Lot 75, Borough of Queens.
COMMUNITY BOARD #2Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and

Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction and obtain a Certificate of Occupancy pursuant to a previously granted common law vesting rights application, which reinstated Department of Buildings ("DOB") Permit No. 420251355 and all related permits necessary to complete construction for a period that expired on December 13, 2013; and

WHEREAS, a public hearing was held on this application on April 5, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located at the northeast corner of Woodside Avenue and 64th Street, in an R5D zoning district, in Queens; and

WHEREAS, the site has approximately 60 feet of frontage along Woodside Avenue, 106 feet of frontage along 64th Street, 6,583 sq. ft. of lot area; and

WHEREAS, the applicant proposes to develop the site with a seven-story mixed residential and community facility building (the "Building"); and

WHEREAS, the site was formerly located within an R6 zoning district; and

WHEREAS, the applicant states that Permit No. 420251355-01-FO (the "Foundation Permit"), authorizing construction of the Building in accordance with R6 zoning district regulations, was issued by the Department of Buildings ("DOB") on June 24, 2011; and

WHEREAS, on July 28, 2011 (the "Enactment Date"), the City Council voted to adopt the Sunnyside-Woodside zoning map amendment which changed the zoning for the subject premises from an R6 zoning district to an R5D zoning district; and

WHEREAS, the Foundation Permit lapsed by operation of law on the Enactment Date because the plans did not comply with the new R5D zoning district regulations and DOB determined that the Building's foundation was not complete; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 13, 2011, when, under the subject calendar number, the Board granted an appeal pursuant to the common law of vested rights, reinstated all of the permits necessary to complete construction of the Building (including the Foundation Permit), and granted an extension of time to complete construction and obtain a Certificate of Occupancy for a term of two years, which expired December 13, 2013; and

WHEREAS, however, as of December 13, 2013, construction was not complete and a Certificate of Occupancy had not been issued; therefore, on that date all of the previously reinstated permits lapsed by operation of law; and

WHEREAS, accordingly, the applicant seeks an extension of time to complete construction and secure a Certificate of Occupancy; and

WHEREAS, the applicant states that since the Board's 2011 approval, substantial expenditures and progress have been made to complete the Building and that 97 percent of the development was completed by May 2013; and

WHEREAS, the applicant represents, however, that further development of the Building has since been delayed by administrative issues related to obtaining the requisite approvals from the New York City Department of Environmental Protection ("DEP") for sewer conditions on the premises; and

WHEREAS, the applicant additionally represents that DOB sign-off on plumbing, building sprinklers, building fire alarms and the close of the construction permits are all conditions that remain outstanding and that such items will be completed and a Temporary Certificate of Occupancy will be obtained shortly after the Board's grant of the subject extension of term; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 13, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to December 13, 2017; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by December 13, 2017;

THAT a Certificate of Occupancy for the premises shall be obtained by December 13, 2017;

THAT the applicant shall comply with the planting requirements of ZR § 23-892, which was applicable to the premises when it was previously within an R6 zoning district;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application No. 420251355)

Adopted by the Board of Standards and Appeals, April 5, 2016.

67-13-A
APPLICANT – Board of Standards and Appeals
OWNER OF PREMISES – OTR MEDIA GROUP, INC & OTR 945 Zerega.
SUBJECT – Application August 13, 2014 – Reopening by court remand for supplemental review of whether a sign at the subject site was a permitted non-conforming advertising sign in light of the Board's decision in BSA Cal. No. 96-12-A. M1-1 zoning district.
PREMISES AFFECTED – 945 Zerega Avenue, between Quimby Avenue and Bruckner Boulevard, Block 3700, Lot 31, Borough of Bronx.
COMMUNITY BOARD #9BX
ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

234-14-A
APPLICANT – Law Offices of Marvin B. Mitzner, for Ohmni Properties, owners.
SUBJECT – Application September 29, 2014 – Appeal of the NYC Department of Buildings' determination to not revoke a Certificate of Occupancy issued in 1989 and reinstate the Certificate of Occupancy issued in 1985.
PREMISES AFFECTED –738 East 6th Street, south side of East 6th Street between Avenue C and Avenue D, Block 00375, Lot 0028, Borough of Manhattan.
COMMUNITY BOARD #3M
ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

57-15-BZ
APPLICANT – Eric Palatnik, P.C., for Yossi Toleando, owner.
SUBJECT – Application March 13, 2015 – Variance (§72-21) to permit the development of a three-story, three family residential and to waive the side yard open space of the existing premises. R5/C1-3 zoning district.
PREMISES AFFECTED – 482 Logan Street, between Pitkin Avenue and Belmont Avenue Block 04227, Lot 30, Borough of Brooklyn.
COMMUNITY BOARD #5BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for decision, hearing closed.

64-15-BZ
APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.
PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, APRIL 5, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

99-14-BZ
APPLICANT – Arisa Realty Co., X LLC, owner.
SUBJECT – Application May 8, 2014 – Variance (§72-21) for a height and setback variance to facilitate the construction of a new 21-story, 19 FAR hotel building. C6-4 zoning district in the (Special Hudson Yards District).
PREMISES AFFECTED – 432-434 West 31st Street, aka 433-435 West 30th Street, corner of West 31st Street and Dyer Avenue, Block 728, Lot(s) 50, 55, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

189-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 7311 Third Avenue, LLC, owner.
SUBJECT – Application August 17, 2015 – Special Permit (73-621) for the enlargement of the existing mixed use building contrary to floor area (ZR 33-121). R6B/C1-3 zoning district.
PREMISES AFFECTED – 7311 3rd Avenue, Block 5918, Lot 5, Borough of Brooklyn.
COMMUNITY BOARD #10BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for decision, hearing closed.

222-15-BZ

APPLICANT – Akerman, LLP, for 8601 Roosevelt, LLC, owner; 8601 Roosevelt Ave. Fitness Group, LLC, lessee.

SUBJECT – Application September 16, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the existing building's ground and cellar floors. C2-3/R6 zoning district.

PREMISES AFFECTED – 86-09 Roosevelt Avenue, Block 1474, Lot 037, Borough of Queens.

COMMUNITY BOARD #3Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for decision, hearing closed.

224-15-BZ

APPLICANT – Sheldon Lobel, P.C., Peter Livanos, owner.

SUBJECT – Application September 23, 2015 – Special Permit (§73-622)for the enlargement of an existing single-family detached home which contrary to floor area and open space (ZR23-141) and side yard (ZR 23-461). R2 zoning district.

PREMISES AFFECTED – 37 82nd Street, located along 82nd Street between Harbor View Terrace and Narrows Avenue, Block 5975, Lot 125, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4164-BZ
1744 East 29th Street, west side of East 29th Street between Quentin Road and Avenue R., Block 06811, Lot(s) 22, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); side yard requirements (§§23-461 & 23-48) and less than the required rear yard (§23-47). R3-2 zoning dist

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2016-4165-BZ
5801 Amboy Road, corner of Amboy Road and Foster Road, Block 06896, Lot(s) 53, Borough of **Staten Island, Community Board: 3**. Variance (§72-21) to permit the construction of an eating and drinking establishment (UG 6) (Tim Horton's) with an accessory drive thru contrary to ZR §22-10. R3X (SRD) zoning district.

2016-4166-BZ
2579 East 17th Street, East 17th Street between Avenues Z and Y., Block 07438, Lot(s) 46, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-44) to reduce the required number of accessory parking spaces contrary to §36-21 for ambulatory diagnostic or treatment facility use and Use Group 6 uses with Parking Requirement Category B1. C8-1 zoning district.

2016-4167-BZ
4180 Ocean Avenue, Ocean Avenue between Hampton Avenue and Oriental Boulevard., Block 08737, Lot(s) 92, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) for the enlargement of an existing two story single family home contrary to floor area, lot coverage and open space (ZR 23-141(b); and less than the required rear yard (ZR 23-47). R3-1 zoning district.

2016-4168-BZ
94 Elm Street, located on Elm Street between Richmond Terrace and Henderson Avenue, Block 00158, Lot(s) 84, Borough of **Staten Island, Community Board: 1**. Variance (§72-21) to permit the construction of single family detached home, contrary to side yard and minimum distance regulation (ZR §23-461c). R3A zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
MAY 17, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 17, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

164-04-BZ
APPLICANT – Akerman, LLP, for 2241 Westchester Avenue Realty Corp., owner
SUBJECT – Application December 30, 2015 – Extension of Time to Obtain a Certificate of Occupancy for a previously approved Special Permit (73-36) permitting the operation of a Physical Cultural Establishment which expired on December 16, 2015. C2-4/R6 zoning district.
PREMISES AFFECTED – 2241 Westchester Avenue, northwest corner of Westchester Avenue and Glebe Avenue, Block 3963, Lot 57. Borough of Bronx.
COMMUNITY BOARD #10BX

306-06-BZ
APPLICANT – Sheldon Lobel, P.C., for Talmud Torah Ohel Tochanan c/o Moshe Kramer, owner.
SUBJECT – Application February 4, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to permit the construction of a one and six-story religious school building (Talmud Torah Ohel Tochanan) with the one-story portion along the rear lot line, which expired on February 5, 2012; Waiver of the Rules. R5/M1-1 (Special Ocean Parkway District) zoning district.
PREMISES AFFECTED – 50 Lawrence Avenue, south side of Lawrence Avenue between McDonald Avenue and Seton Place, approximately 36-ft. east of McDonald Avenue. Block 5422, Lot 10. Borough of Brooklyn.
COMMUNITY BOARD #14BK

APPEALS CALENDAR

167-15-A
APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Francesco Veltri, owner.
SUBJECT – Application July 28, 2015 – Application filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") requesting to vary MDL 171(2)(a) to permit a partial one story vertical enlargement of an existing building. R10A zoning district.
PREMISES AFFECTED – 137 West 86th Street, north side of West 86th between Columbus and Amsterdam Avenues, Block 1217, Lot 17, Borough of Manhattan.
COMMUNITY BOARD #7M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, APRIL 12, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

382-80-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Full Gospel NY Church, owner.
SUBJECT – Application July 29, 2015 – Extension of Term of a previously approved variance permitting the operation of a theater (UG 8) on the mezzanine and second floor of an existing building which expired on July 1, 2015. R8B zoning district.
PREMISES AFFECTED – 316-318 East 91st Street, Block 1553, Lot 41, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of term for a previously granted variance permitting the operation of a theater in a building located in an R8B zoning district, which expired on July 1, 2015; and

WHEREAS, a public hearing was held on this application on January 22, 2016 after due notice by publication in *The City Record*, with continued hearing on March 8, 2016, and then to decision on April 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of East 91st Street, between First Avenue and Second Avenue, in an R8B zoning district, in Manhattan; and

WHEREAS, the site has approximately 50 feet of frontage along East 91st Street, 5,050 sq. ft. of floor area, and is occupied by a two-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 1, 1980 when, under the subject calendar number, the Board granted a variance permitting the area enlargement and conversion of the second floor of the existing two-story building, then in an R8 zoning district, from a contractor's establishment to a theater for a term of fifteen years, expiring July 1, 1995; and

WHEREAS, on January 17, 1996, under the subject calendar number, the Board reopened and amended the variance to legalize minor changes to the previously approved plans and extend the term for an additional ten years, expiring July 1, 2005; and

WHEREAS, on October 30, 2007, under the subject calendar number, the Board waived its Rules of Practice and Procedure, reopened and amended the variance to extend the term for another ten years, expiring July 1, 2015; and

WHEREAS, the variance having expired, the applicant now seeks an extension of the term for another ten years; and

WHEREAS, since the last extension of the term, the applicant represents that the subject building has been sold to its current owner, a church, and that the applicant now shares the building with that owner, which utilizes the space for church use on weekends and church-related uses during the week; and

WHEREAS, the applicant represents that going forward, the building will be put to both theater and community facility use, but that such uses will not be simultaneous; and

WHEREAS, the subject application is only with regards to the theater use; and

WHEREAS, the theater use at the premises holds a Place of Assembly Certificate of Operation (Certificate No. 1000062/82) for 360 occupants; and

WHEREAS, the applicant has provided a Letter of Approval from the Fire Department, dated June 10, 2009, for the interior fire alarm and sprinkler systems at the subject premises; and

WHEREAS, by correspondence dated April 11, 2016, the Fire Department states that it has no objection to the subject application; and

WHEREAS, the Board finds that a ten year extension is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 1, 1980, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on July 1, 2025; *on condition* that all work and site conditions shall comply with drawings filed with this application marked "Received April 13, 2016"-Four (4) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from July 1, 2015, expiring July 1, 2025;

THAT a wheelchair stair lift to the theater level and designated wheelchair seating will be provided as indicated on the BSA-approved plans;

THAT occupancy of the first floor by the owner-community facility and occupancy of the mezzanine and second floor levels by the theater are non-simultaneous;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by April 12, 2017; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s)

not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 12, 2016.

87-12-BZ

APPLICANT – Troutman Sanders, LLP, for A & J Properties, LLC, owner.

SUBJECT – Application September 9, 2015 – Amendment (73-36) to permit a change in ownership of the PCE from Bally total fitness. C2-2/R4 zoning district.

PREMISES AFFECTED – 1720-1728 Sheepshead Bay Road, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for the reopening, the amendment of a previously granted special permit for a physical culture establishment ("PCE"), which will expire on August 14, 2022, to reflect a change in ownership, a change in the hours of operation, a new interior layout for the PCE on the first floor, and the replacement of accessory business signs; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, and then to decision on April 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Sheepshead Bay Road, between Voorhies Avenue and Shore Parkway, in an R4 (C2-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 110 feet of frontage along Sheepshead Bay Road, 125 feet of frontage along Shore Parkway, and a total lot area of 24,162 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 3, 1977 when, under BSA Cal. No. 854-76-BZ, the Board granted a variance to permit the area enlargement of an existing theater structure and its conversion into a skating rink with accessory uses; and

WHEREAS, on May 5, 1987, under BSA Cal. No. 830-86-BZ, the Board granted a variance to permit the change in use of the premises from a skating rink (Use Group 12) to a physical culture establishment (Use Group 9) and a special permit for such use for a period of ten years, expiring May 5, 1997; and

WHEREAS, on June 27, 1989, under BSA Cal. No. 830-86-BZ, the Board reopened and amended the variance to permit the change in name of the owner of the facility, change the hours of operation, and waive the requirement of three off-street loading and unloading berths; and

WHEREAS, on September 21, 1999, under BSA Cal. No. 830-86-BZ, the Board reopened and amended the variance to change the hours of operation, to accept certain changes to the interior layout of the space, and extend the term an additional ten years, expiring May 5, 2007; and

WHEREAS, on September 9, 2003, under BSA Cal. No. 830-86-BZ, the Board granted an extension of time to obtain a new certificate of occupancy to September 9, 2005; and

WHEREAS, on August 14, 2012, under the subject calendar number, the Board granted the subject special permit to permit the operation of the subject PCE on the first floor, second floor, and mezzanine level of an existing two-story and mezzanine commercial building for a term of ten years, expiring August 14, 2022; and

WHEREAS, the instant application seeks an amendment to the PCE's special permit indicating a change in ownership of the PCE, from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., as well as the replacement of accessory business signs to reflect the new ownership, changes to the previously approved hours of operation and minor interior partition alterations to the first floor of the PCE; and

WHEREAS, the applicant notes that it is not proposing to change the area occupied by the PCE within the existing building, 15,110 sq. ft. of floor area on the first floor, 15,700 sq. ft. of floor area on the second floor, and 6,553 sq. ft. of floor area on the mezzanine level for a total of 37,363 sq. ft. of floor area; and

WHEREAS, the applicant represents that the proposed accessory signs are in compliance with applicable zoning regulations; and

WHEREAS, the hours of operation previously approved by the Board on August 14, 2012 were Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 7:00 a.m. to 10:00 p.m., Saturday, 7:00 a.m. to 10:00 p.m., and Sunday, 9:00 a.m. to 5:00 p.m.; and

WHEREAS, the applicant requests an amendment to those approved hours so that they reflect the PCE's existing hours of operation of Monday through Thursday, 6:00 a.m. to 11:00 p.m. (no change from approved hours), Friday, 6:00 a.m. to 10:00 p.m. (opening one hour earlier than approved hours), Saturday, 8:00 a.m. to 9:00 p.m. (opening one hour later and closing one hour earlier than approved hours), and Sunday, 8:00 a.m. to 9:00 p.m. (opening one hours earlier and closing four hours later than approved hours); and

WHEREAS, the applicant represents that this change in its approved hours of operation will not affect the character of the neighborhood, which is primarily commercial and includes no residential uses within the immediate area; and

WHEREAS, the applicant represents that the subject PCE is ADA-compliant and that an FDNY-approved interior

fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and connection of the interior fire alarm to an FDNY-approved central station—and automatic wet sprinklers have been installed in the entire PCE space; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement project; and

WHEREAS, the Department of Investigation has performed a background check on the new corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, based upon its review of the record, the Board finds that the requested change in ownership and extensions of term are appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated August 14, 2012, so that as amended the resolution reads: "to permit a change in ownership of the premises to 24 Hour Fitness, Inc.; to change the hours of operation to Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., Saturday, 8:00 a.m. to 9:00 p.m., and Sunday, 8:00 a.m. to 9:00 p.m., *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received January 26, 2016' –(Three) 3 sheets; and *on further condition*:

THAT there will be no further change in ownership or operating control of the PCE without prior approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT the entire PCE space shall be fully-sprinklered;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 12, 2016.

313-12-BZ

APPLICANT – Troutman Sanders, LLP, for Flatbush Delaware Holding LLC, owner.

SUBJECT – Application October 7, 2015 – Amendment of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment. The Amendment is to permit the change in ownership from "Bally Total Fitness" to 24 Hour Fitness, Inc. and to reflect change in signage. C4-2/C4-4A zoning district.

PREMISES AFFECTED – 1009 Flatbush Avenue, Block 5126, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for the reopening and an amendment to a previously granted special permit for a physical culture establishment ("PCE"), which will expire on April 16, 2023, reflecting a change in hours of operation, a change in ownership and the replacement of accessory business signs; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, and then to decision on March 8, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 14, Brooklyn, states that it has no objections to this application; and

WHEREAS, the subject site is located on the northeast corner of Flatbush Avenue and Tilden Avenue, partially within a C4-2 zoning district and partially within a C4-4A zoning district, in Brooklyn; and

WHEREAS, the site has approximately 62 feet of frontage along Flatbush Avenue, 492 feet of frontage along Tilden Avenue, 55 feet of frontage along Albemarle Road, 107,142 sq. ft. of floor area, and is improved with a commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 14, 1999 when, under BSA Cal. No. 48-99-BZ, the Board granted a special permit to permit a physical culture establishment on the ground floor, cellar level, cellar mezzanine level and lower cellar level of the subject premises for a period of ten years, which expired on September 14, 2009; and

WHEREAS, on April 16, 2013, under the subject calendar number, the Board granted a new special permit for the same PCE for a period of ten years, expiring April 16, 2023; and

WHEREAS, the instant application seeks an amendment to the PCE's special permit indicating a change in ownership, from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., a change in the approved hours of

operation, and replacement of accessory business signs to reflect the new ownership; and

WHEREAS, the applicant notes that it is not proposing to change the area occupied by the PCE within the existing building: 8,365 sq. ft. of floor area on the first floor, 14,800 sq. ft. of floor space on the cellar level, 6,047 sq. ft. of floor area on the mezzanine level, and 6,464 sq. ft. of floor space on the lower cellar level, a total of 35,676 sq. ft. of combined floor area and floor space; and

WHEREAS, the applicant represents that the proposed accessory signs are in compliance with applicable zoning regulations; and

WHEREAS, the hours of operation previously approved by the Board in its April 16, 2013 Resolution were Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., Saturday, 8:00 a.m. to 8:00 p.m., and Sunday, 8:00 a.m. to 6:00 p.m.; and

WHEREAS, the applicant seeks to amend those approved hours so that they reflect the PCE's existing hours of operation, which are Monday through Thursday, 6:00 a.m. to 11:00 p.m. (no change from approved hours), Friday, 6:00 a.m. to 10:00 p.m. (no change from approved hours), Saturday, 8:00 a.m. to 9:00 p.m. (closing one hour later than approved hours), and Sunday, 8:00 a.m. to 9:00 p.m. (closing three hours later than approved hours); and

WHEREAS, the applicant represents that the change in the approved hours of operation will not affect the character of the neighborhood, which is primarily commercial and includes no residential uses within the immediate area; and

WHEREAS, the applicant represents that the PCE is ADA-compliant and that an FDNY-approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection of the interior fire alarm to an FDNY-approved central station—and automatic wet sprinklers have been installed in the entire PCE space; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement project; and

WHEREAS, by letter dated April 6, 2016, the Fire Department state that it has no objections to the application; and

WHEREAS, the Department of Investigation has performed a background check on the new corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendments are appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated April 16, 2013, so that as amended the resolution reads: "to permit a change in ownership of the premises to 24 Hour Fitness, Inc.; to change the hours of operation to Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., Saturday, 8:00 a.m. to 9:00 p.m., and Sunday, 8:00 a.m. to 9:00 p.m., *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received January 26, 2016' –two (2) sheets; and *on further condition*:

THAT there will be no further change in ownership or operating control of the PCE without prior approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT the entire PCE space shall be fully-sprinklered;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 12, 2016.

196-49-BZ

APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.

SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for adjourned hearing.

253-89-BZ

APPLICANT – Friedman & Gotbaum, LLP, for New York City Industrial Development Agency, owner; Ronald McDonald House of New York, lessee.

SUBJECT – Application December 11, 2015 – Amendment of a previously approved Variance (72-21) which permitted an eleven story community facility (*Ronald McDonald House of New York*) with residences contrary to underlying bulk regulations. The amendment seeks to allow a 6,954 sf

enlargement. C1-9/R8B zoning district.
PREMISES AFFECTED – 405-411 East 73rd Street, Block 01468, Lot 5, Borough of Manhattan.
COMMUNITY BOARD #5M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for decision, hearing closed.

202-05-BZ
APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner.
SUBJECT – Application August 14, 2015 – Amendment to reflect the conditions approved pursuant to BSA Cal 298-13-BZ; to legalize modifications to interior spaces; and to extend the term of a special permit granted pursuant to ZR 73-36. M1-1 zoning district.
PREMISES AFFECTED – 11-11 131st Street, Block 4011, Lot 24, Borough of Queens.
COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

227-10-BZ
APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.
SUBJECT – Application April 16, 2015 – Amendment (§11-412) of a previously approved variance permitting the operation of an automotive service station (UG 16B). The amendment seeks to install a canopy, replace gasoline storage tanks, increase the number of parking spaces, add ADA accessible ramp and accessory parking spaces. R3-2/C2-2 zoning district.
PREMISES AFFECTED – 204-12 Northern Boulevard, northern Boulevard between 204th Street and Clearview Expressway, Block 07301, Lot 11, Borough of Queens.
COMMUNITY BOARD #11Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

174-15-A thru 176-15-A
APPLICANT – Philip L. Rampulla, for Linus Realty, LLC, owner.
SUBJECT – Application August 5, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. M3-1 (SRD) zoning district.
PREMISES AFFECTED – 27 Johnson Street, 100 Mila Way, 101 Mila Way, northeast side of Johnson Street, northwest of Arthur Kill Road, Block 7207, Lot(s) 305, 34, 35, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated July 27, 2015 acting on DOB Application Nos. 520245048, 520245039 and 520245020, reads in pertinent part:

> The street giving access to proposed building is not duly placed on the official map of the City of New York therefore:
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
> B) Proposed construction does not have at least 8% of the total perimeter of building(s) fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of three commercial buildings which do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, and then to decision on April 12, 2016; and

WHEREAS, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of this application; and

WHEREAS, the subject site is located on the north side of Arthur Kill Road, bound by Johnson Street to the west and Industrial Loop to the east, in an M3-1 zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, the subject premises are currently unimproved; and

WHEREAS, the applicant proposes to subdivide Existing Lot 35, containing 318,295 sq. ft. of lot area, into three zoning lots: Tentative Lot 305 which will contain 107,428 sq. ft. of lot area, Tentative Lot 34 which will contain 111,423 sq. ft. of lot area, and Tentative Lot 35 which will contain 99,444 sq. ft. of lot area; and

WHEREAS, the applicant further proposes to construct three fully-sprinklered one-story commercial buildings, one

building on each of the three newly subdivided lots, for use as either a warehouse facility, small industrial uses or contractor's establishments; and

WHEREAS, the City Planning Commission ("CPC") approved application N150286 RCR requesting a grant of a certification pursuant to ZR § 107-08 for the proposed subdivision into three separate zoning lots to facilitate the proposed development on June 17, 2015 (Calendar No. 12); and

WHEREAS, the buildings on Tentative Lot 34 and Tentative Lot 35 will front on Mila Way, a private road to be constructed as part of the subject application, and the building on Tentative Lot 305 will front on Johnson Street; and

WHEREAS, the site will be accessible from Industrial Loop, a 40 foot wide private road, and Johnson Street; and

WHEREAS, Industrial Loop and Johnson Street are accessible from Arthur Kill Road, which has been recognized by a Corporate Council Opinion ("CCO"), dated December 12, 1980, mapped to a width of 70 feet; and

WHEREAS, a Corporate Council Opinion, dated June 29, 1988, states that Johnson Street from Arthur Kill Road to a point approximately 1,950 feet northerly therefrom has been dedicated to public use as a public way, in accordance with subdivision 2 of Section 36 of the General City Law, for a width of 30 to 35 feet; and

WHEREAS, the applicant represents that Johnson Street is currently mapped to 25 feet; that an 8" water main, electrical service on utility poles, and natural gas are all existing on Johnson Street; and that the subject application includes a widening of Johnson Street by 5 feet, beginning at the intersection of Johnson Street and Arthur Kill Road and extending approximately 1,175 feet to the beginning of Mila Way, to be used for public street purposes and intended for public use; and

WHEREAS, Mila Way will be 40 foot wide street joining Johnson Street and Industrial Loop and separating Tentative Lot 306, to the north, from Tentative Lot 34 and Tentative Lot 35, to the south; and

WHEREAS, a portion of Mila Way will consist of an elevated surface to span an existing wetland stream corridor existing on the subject site and such span will be designed to comply with Fire Code Section 503.2.2.5 Bridge and Elevated Surfaces for a live load sufficient to carry the imposed loads of fire apparatus vehicles; and

WHEREAS, specifically, Mila Way and the elevated surface will have an all-weather driving surface constructed of asphalt, concrete, or other approved permeable material; be capable of supporting the imposed load of Fire Department apparatus weighing at least 80,000 pounds (36,320 kg) and the operational load of Fire Department apparatus outrigger of 52,000 pounds (23,608 kg) over a 2 foot (610 mm) by 2 foot (610 mm) area; have a grade that does not exceed 10 percent; and include signage indicating that no parking is permitted; and

WHEREAS, the applicant proposes that trucks entering the development site will be boxed panel trucks and tractor trailers and that, because commercial and industrial uses already exist on both Industrial Loop and Johnson Street such activity on the subject site will have no significant impact on traffic in the area; and

WHEREAS, the New York State Department of Environmental Conservation ("DEC") has issued Permit No. 2-6405-00476/00003 to the subject premises, expiring December 31, 2021, to allow for the development of three commercial, small retail and light industrial buildings and associated parking on the site, which straddles the AR-7 Claypit Ponds Freshwater Wetland and includes 0.03 acres of wetland disturbance to accommodate the construction of Mila Way; and

WHEREAS, pursuant to the DEC Permit, mitigation measures to offset wetland impacts includes 900 sq. ft. of stabilization planting, 2,400 sq. ft. of restoration consisting of tire and debris removal and installation of a 30 foot deed restricted planted buffer area between the restored wetland and the building and parking areas; and

WHEREAS, by letter dated February 22, 2016, the Fire Department states that it has no objections to the proposal subject to the following conditions: road dimensions must be as indicated on plan; no parking will be permitted along Johnson Street from Arthur Kill Road to Mila Way; and no parking will be permitted along Industrial Loop from Arthur Kill Road to Mila Way; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated July 27, 2015 acting on DOB Application Nos. 520245048, 520245039 and 520245020, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received April 1, 2016"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the development will comply with NYSDEC Permit No. 5405-00476/00003, see Department of Environmental Conservation (DEC) Permit for conditions;

THAT No Parking Signs shall be installed on both sides of Johnson Street between Mila Way and Arthur Kill Road by the New York City Department of Transportation, as indicated on the plans;

THAT No Parking Signs shall be installed on both sides of Mila Way and on the west side of Industrial Loop by the owner, as indicated on plans;

THAT fire apparatus access roads shall have an all-weather driving surface constructed of asphalt, concrete, or other approved permeable material;

THAT fire apparatus access roads shall be capable of supporting the imposed load of Fire Department apparatus weighing at least 80,000 pounds (36,320 kg) and the operational load of Fire Department apparatus outrigger of 52,000 pounds (23,608 kg) over a 2 foot (610 mm) by 2 foot (610 mm) area;

THAT the grade of the fire apparatus access roads shall

not exceed 10 percent;

THAT fire apparatus access roads subject to parking restrictions as indicated on the site plan shall be marked with permanent "No Parking—Fire Apparatus Access Road" signs complying with F.C. Figure 503.2.7.1.1.; such signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have a read letter on a white reflective background; and signs shall be posted on the sides of the fire apparatus access road upon which parking is prohibited;

THAT the proposed development shall comply with all New York City Zoning and Building laws;

THAT the proposed buildings shall be fully sprinklered;

THAT there are existing serviceable fire hydrants located within 250 feet of the project main entrance on Industrial Loop side;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 12, 2016.

262-15-A

APPLICANT – Eric Palatnik, P.C., for Salvatore Galati, owner.

SUBJECT – Application November 30, 2015 – GCL 36 to permit the development of a one story, Use Group 6 Commercial Building located within an R3X/C1-1 zoning district, contrary to Article 3, Section 36 of the NYS General City Law.

PREMISES AFFECTED – 64 Sharrott Avenue, Block 7702, Lot 110, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated November 5, 2015 acting on DOB Application No. 520250585, reads in pertinent part:

The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:

a) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;

b) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a one-story Use Group 6 (UG 6) commercial building which will not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on March 8, 2016 after due notice by publication in *The City Record*, and then to decision on April 12, 2016; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of this application; and

WHEREAS, the subject premises are located on the southwest corner of Penton Street and Sharrott Avenue, in an R3X (C1-1) zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, the subject site has approximately 50 feet of frontage along Sharrott Avenue, 100 feet of frontage along Penton Street, 5,000 sq. ft. of lot area, and was previously improved with a two-story residence and on-story garage which have both since been demolished; and

WHEREAS, the applicant proposes to construct a one-story plus cellar UG 6 commercial building with 1,271 sq. ft. of floor area, a floor area ratio ("FAR") of 0.25, a total height of 23 feet, and wall height of 14 feet, which will front on both Sharrott Avenue and Penton Street; and

WHEREAS, Sharrott Avenue, a two-way street with a curb-to-curb width of 24'-0"; and Penton Street, a one-way street with curb-to-curb width of 37'-8", are paved unmapped streets; and

WHEREAS, Latourette Street, located approximately 160 feet south of the premises, is the nearest mapped street; and

WHEREAS, additionally, the applicant proposes to provide eight parking spaces on the premises, which will be accessible by a 25 foot curb cut on Penton Street; and

WHEREAS, the applicant represents that all storm drainage on the site will be collected, in part, by on-site dry wells and by direct connection into a storm sewer located in Penton Street and that sanitary drainage will be collected by an internal sanitary drain connected to the sanitary sewer also located in Penton Street; and

WHEREAS, by letter dated March 8, 2016, the Fire Department states that it has no objections to the subject application provided that a hydrant will be located within 100 feet of the Siamese location; and

WHEREAS, in response to the Fire Department's request, the applicant proposes to place the proposed building's Siamese location at a point 77 feet from the fire hydrant currently located on the northeast corner of Sharrott Avenue and Penton Street; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant

approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated November 6, 2015 acting on DOB Application No. 520250585 is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 23, 2016"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the proposed development will comply with all required planting and landscaping regulations including ZR §§ 26-23, 26-41, 107-251(b), 107-322(a) and 26-35;

THAT the proposed development will comply with the required parking regulations of ZR § 36-21;

THAT all storm drainage within the site shall be collected partially by on-site drywells and by direct connection into storm sewer in Penton Street;

THAT sanitary drainage shall be collected by an internal sanitary drain connected to the sanitary sewer in Penton Street;

THAT the proposed development, as designed, shall comply with all regulations of the Special South Richmond Development District;

THAT fire hydrants shall be located within 250 feet of the entrance of the proposed building;

THAT a fire hydrant shall be located within 100 feet of the Siamese location;

THAT the proposed building shall be provided with an automatic sprinkler system;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 12, 2016.

162-15-A thru 164-15-A
APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.
SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district
PREMISES AFFECTED – 139-48 88th Road, Block 09683, Lot 0013, Borough of Queens.
COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

165-15-A & 166-15-A
APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.
SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district
PREMISES AFFECTED – 88-36 144th Street, Block 09683, Lot 0015, Borough of Queens.
COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

231-14-BZ
CEQR #15-BSA-071M
APPLICANT – Sheldon Lobel, PC, for Orangetheory Fitness, owner; OTF Man One, LLP, lessee.
SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Orangetheory Fitness*) within a portion of an existing commercial building. C6-3X zoning district.
PREMISES AFFECTED – 124 West 23rd Street, south side of West 23rd Street, between Avenue of the Americas and 7th Avenue, Block 00798, Lot 7507, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 23, 2014, acting on Department of Buildings Application No. 122086223, reads in pertinent part:

> "Proposed physical culture establishment at the first (1st) floor is not permitted as-of right in C6-3X zoning districts"; and

WHEREAS, this is an application under ZR §§ 32-31, 73-36 and 73-03, to legalize, on a site located within a C6-3X zoning district, a physical culture establishment ("PCE"), which operates in a portion of the first floor of a sixteen-story mixed-use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 21, 2015, after due notice by publication in *The City Record*, with continued hearings on September 1, 2015, and March 8, 2016 and then to decision on April 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-

Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 6, Manhattan, originally recommended approval for the application, but subsequently withdrew its support until additional soundproofing measures were installed; and

WHEREAS, the subject site is located on the south side of West 23rd street, between Seventh Avenue and Avenue of the Americas, in a C6-3X zoning district, in Manhattan; and

WHEREAS, the site has approximately 50 feet along West 23rd Street, 4,937 sq. ft. of floor area, and is occupied by a sixteen-story mixed use building; and

WHEREAS, the PCE occupies 3,646 sq. ft. of floor area on the first floor of the building and is accessible from a dedicated entrance located on West 23rd Street; and

WHEREAS, the PCE space includes cardiovascular equipment, locker rooms, office space and a reception area; and

WHEREAS, the PCE operates as Orangetheory Fitness; and

WHEREAS, the PCE has been in operation since February 2015; and

WHEREAS, the PCE offers group personal training sessions for its members; and

WHEREAS, the proposed hours of operation are Monday through Sunday, 5:00 a.m. to 10:00 p.m.; and

WHEREAS, residential units are located above the PCE space; and

WHEREAS, with regards to sound attenuation measures, the applicant submits that the PCE space contains an acoustically isolated "box-in-box" construction with two layers of sheetrock, spring isolated ceiling, resiliently isolated two layers of sheetrock walls, and a 2-inch thick isolated concrete floor with ¾-inch rubber gym finish floor on a 1-inch rollout isolation mat; and

WHEREAS, in addition, all wall and ceiling cavities have been filled with fiber insulation, a 3-inch spray cellulose has been applied to the ceilings to further dampen sound levels within the PCE space, and electronic limiters have been installed on all sound equipment to prevent music from exceeding preset acceptable levels; and

WHEREAS, in response to the concerns of Community Board 6, requests from the Board, and complaints from residential tenants about weight drops and noise emanating from the PCE space, as well as the concerns of Community Board 6 and the request of the Board, the applicant worked with its own acoustical consultant as well as the subject building's acoustical consultant and amended its sound attenuation plan; and

WHEREAS, specifically, the applicant installed 2-inch thick high-density EVA foam rubber in the weight area; processed amplified music and microphones through proprietary settings on a sound equalizer system which was designed to reduce and modulate amplified sound; installed a locking grill over the amplification system equipment that prevents unauthorized changes to sound controls; restricted music input to gym devices only; and limited weights utilized in the gym to a maximum of 40-pound dumbbells; and

WHEREAS, in response to claims that these additional measures remained insufficient to quell noise and vibrations, the applicant conducted further testing at the premises and made the following changes: reconfigured the electronic limiters installed on sound equipment; replaced the flooring in the weights area to 5-inch closed cell EVA foam rubber, which was demonstrated to more effectively mitigate the sound of weight drops; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that the proposed PCE contains an approved interior fire alarm system connected to a Fire Department approved central station with automatic sprinklers installed throughout the PCE space; and

WHEREAS, the applicant represents that the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15BSA071M, dated September 24, 2014; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617

and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located within a C6-3X zoning district, a physical culture establishment (PCE), which operates in a portion of the first floor of a sixteen-story mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 3, 2015"— Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on April 12, 2018;

THAT there shall be no complaints about the PCE from neighbors at the time of the hearing for renewal of this grant;

THAT, when the application for a renewal of the subject special permit is substantially complete, the applicant shall provide affected property owners with the hearing notice and related forms pursuant to Board Rule of Practice and Procedure §§ 1-05.6 and 1-05.7;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT exit pathways with a minimum width of 3'-0" shall be provided leading to the required exits and such pathways shall be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and a connection to an FDNY approved central station—shall be installed in the entire PCE space;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT an automatic wet sprinkler system shall be installed in the entire space as per DOB approval;

THAT all partitions and exits shall be as approved by DOB;

THAT full "box in box" acoustically isolated construction with double-rocked spring isolated ceiling, resiliently isolated double-rocked walls, and 2-inch thick isolated concrete floor with ¾-inch rubber gym finish floor on 1-inch thick rollout isolation mat (in the gym, except not in the weight section), and 5-inch thick acoustical rubber foam matting (in the weight section of the gym) shall be installed;

THAT all wall and ceiling cavities shall be filled with mineral fiber insulation;

THAT sound-absorptive treatment (3-inch spray cellulose) shall be applied to the ceilings to control sound level inside the gym area;

THAT electronic limiters shall be installed on sound equipment to ensure that music does not exceed preset levels;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by April 12, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 12, 2016.

67-15-BZ
CEQR #15-BSA-183M

APPLICANT – Francis R. Angelino, Esq., for Alan Manocherian, owner; The Cell Theatre, Co. Ltd., owner.

SUBJECT – Application March 3, 2015 – Special Permit (§73-201) to permit the legalization of a theater (*Cell Theatre*) with a capacity of not more than 500 persons in an existing building. C1-6A zoning district.

PREMISES AFFECTED – 338 West 23rd Street, south side of West 23rd Street between 8th and 9th Avenues, Block 00746, Lot 0053, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 23, 2015, acting on DOB Application No. 121191940, reads in pertinent part:

1. Proposed legalization of Theater (Use Group 8) with limited capacity is not permitted as per ZR 32-10 and requires a special permit form the Board of Standards and Appeals (ZR 73-201); and

WHEREAS, this is an application under ZR §§ 73-03 and 73-201, to legalize, on a site within a C1-6A zoning district, an existing theater for live performances (Use Group 8), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 23, 2016, after due notice by publication in *The City Record*, and then to decision on April 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 4, Manhattan, recommends denial of the application, absent the following five conditions (1) that windows and doors leading to the rear yard are closed during all theater activities; (2) that the rear yard is not used for theater-related activities during intermissions or for pre-theater or post-theater gatherings; (3) that the theater provide its staff with a phone by which neighbors can report theater-related noises; (4) that the theater post a sign on or near all doors and windows facing the rear yard stating (a) "Please be respectful of our neighbors," (b) "Rear doors and windows must be closed during all theatre activities," and (c) "Theater activities are prohibited in the rear yard"; and (5) when the theater space is rented or licensed, a written agreement requires the lessee or licensee to comply with the foregoing requirements; and

WHEREAS, the subject site is located on the south side of West 23rd Street, between Eighth Avenue and Ninth Avenue, in a C1-6A zoning district, in Manhattan; the site has approximately 25 feet of frontage along the south side of West 23rd Street and a depth of approximately 99 feet, and contains approximately 2,469 sq. ft. of lot area; and

WHEREAS, the site is occupied by a four-story with cellar mixed-use building, the first and second floors of which are occupied by the subject theater (Use Group 8) and the third and fourth floors of which are occupied for residential use by the owners of the subject building, who are also the owners and operators of the subject theater; the building's cellar is used for storage for the subject theater; and

WHEREAS, the subject building contains 4,651 sq. ft. of floor area (1.9 FAR), 2,003 sq. ft. of which is utilized by the subject theater; and

WHEREAS, ZR § 73-201 provides that:

> In C1 Districts, the Board of Standards and Appeals may permit theaters with a capacity of not more than 500 persons in a new or existing *building*. In C1-5, C1-6, C1-7, C1-8 and C1-9 Districts, motion picture theaters shall have a minimum of four square feet of waiting area within the *zoning lot* for each seat. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. The Board shall not apply these requirements to any additional motion picture theater created by the subdivision of an existing motion picture theater.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of nearby residential areas.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the zoning district in which the subject special permit is available; and

WHEREAS, the applicant states that the subject theater will have a maximum occupancy of 75 persons, and will contain 56 seats, thus, the subject theater has a capacity of not more than 500 persons, as required; and

WHEREAS, the applicant states that the remaining conditions imposed by ZR § 73-201 are applicable to motion picture theaters and, therefore, are not applicable to the subject theater, which is a live performance space used for the reading of plays, short stories, poetry, performance and experimental art, small concerts, theater workshops, and performing plays; and

WHEREAS, the foregoing is supported by a letter dated March 18, 2015, sent by the operator of the subject theater; and

WHEREAS, the applicant states that the subject theater's existing facilities, capacity, signage, emergency lighting and travel distances meet all DOB egress requirements; that the exhibition space and theater space have identical occupancy loads; that the double-height performance space will be limited to a maximum occupancy of 75 persons *including* theater employees and patrons; that the double-height performance space is ADA accessible; and that no patrons will line-up outside of the theater before performances; and

WHEREAS, the applicant notes that the subject theater is operational, although not necessarily in use, seven days a week between the hours of 11:00 a.m. and 11:00 p.m., and that it will continue its practice of allowing patrons to enter the building before performances commence so that patrons will not line-up outside the theater; and

WHEREAS, the applicant states that the benefit of a small, local theater located entirely within an enclosed space outweighs any possible disadvantages to the community; and

WHEREAS, the applicant states that the continued use of the subject theater will not interfere with any public improvement project approved by or pending before the Site Selection Board or the City Planning Commission; and

WHEREAS, based upon its review of the record, the Board finds that the proposed legalization will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, thus, the Board determines that the evidence in the record supports the findings required to be made under ZR §§ 73-201 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15BSA183M, dated March 10, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and

Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-201 and 73-03, to permit, on a site within a C1-6A zoning district, an existing theater for live performances (Use Group 8), contrary to ZR § 32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 21, 2016"-Three (3) sheets; and *on further condition*;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT there shall be a maximum occupancy of 75 persons;

THAT DOB shall determine whether a public assembly permit is required;

THAT all patrons shall wait for performances to commence inside the subject building and that patrons shall not line-up or congregate outside of the building;

THAT there shall be no access to the rear yard except by residents of the upstairs apartment and that theater patrons shall not have access to the rear yard other than for purposes of emergency egress;

THAT windows and doors to the rear yard shall remain in the closed position during theater operation;

THAT signs shall be posted stating (1) "Rear doors and windows must be kept in closed position during theater operation," and (2) "Rear yard for use by occupants of residential unit only, no theater activities permitted";

THAT any change in the use, ownership or operation of the subject building requires further approval from the Board;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 12, 2016.

330-13-BZ
APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.
SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.
PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for continued hearing.

31-14-BZ
APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.
SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.
PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for deferred decision.

200-14-BZ
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
PREMISES AFFECTED – 46-05 Parsons Boulevard aka 147-08 46th Avenue, Block 05462, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

177-15-BZ
APPLICANT – Philip L. Rampulla, for Mangone Developers, Inc., owner.
SUBJECT – Application August 5, 2015 – Variance (§72-21) to permit the development of a new two family dwelling contrary to required side yards and permit a 3rd parking space to be located between the building wall and the street wall. R3-X, SRD, GMD zoning district.
PREMISES AFFECTED – 432 Albourne Avenue, Block 6942, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, APRIL 12, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

158-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.
SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.
PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

181-14-BZ
APPLICANT – Sheldon Lobel, P.C., for The Greek School of Plato, LTD, owner.
SUBJECT – Application August 1, 2014 – Variance (§72-21) to permit the construction of an educational and cultural facility be located on the premises. R4B zoning district.
PREMISES AFFECTED – 670 92nd Street, between Battery Avenue and 7th Avenue, Block 6143, Lot 35, Borough of Brooklyn.
COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

331-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.
PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for continued hearing.

34-15-BZ
APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.
SUBJECT – Application February 24, 2015 – Special Permit (§73-622)for the enlargement of an existing two story single family residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district.
PREMISES AFFECTED – 2316 Ocean Parkway, between Avenue W and Lancaster Avenue, Block 7181, Lot 14, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on November 24, 2015, under Calendar No. 261-14-BZ and printed in Volume 100, Bulletin No. 46, is hereby corrected to read as follows:

261-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Julie Haas, owner.

SUBJECT – Application October 21, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space ZR 23-141 and less than the required rear yard ZR 23-47. R-2 zoning district.

PREMISES AFFECTED – 944 East 23rd Street aka 948 East 23rd Street, Block 07586, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated September 24, 2014, acting on DOB Application No. 320995241, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required;
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R2 zoning district, an enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio, and rear yards contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on October 20, 2015 after due notice by publication in *The City Record*, and then to decision on November 24, 2015; and

WHEREAS, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue I and Avenue J, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 60 feet of frontage along East 23rd Street, a depth of 100 feet, and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, one-family residence with approximately 3,015 sq. ft. of floor area (0.50 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space, floor area, side yard, rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, inter alia, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single family residence, as contemplated in ZR § 73-622; and

WHEREAS, specifically, the applicant seeks to increase the floor area of the structure from 3,015 sq. ft. (0.50 FAR) to 6,000 sq. ft. (1.00 FAR) (the maximum permitted floor area ratio is .50 FAR pursuant to ZR § 23-141(b)); decrease the open space ratio from 143.9 OSR to 73.84 OSR (the minimum permitted OSR is 150 pursuant to ZR § 23-141(a)); and increase the depth of the rear yard from a non-complying 10'-4" to a still non-complying 20'-6"; and

WHEREAS, in response to the Board's inquiry, the applicant provided the Board with a copy of an easement agreement which creates a driveway easement, 78'-0" deep and 3'-6" wide, on the north side of the premises; the applicant represents that the proposed enlargement does not interfere with this easement or the ability of the neighbor to access their garage; and

WHEREAS, the applicant further represents that the proposal will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R2 zoning district, the enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yards, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 12, 2015"- twelve (12) sheets and "Received November 23, 2015"- one (1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 6,000 sq. ft. (1.00 FAR), an open space ratio of 73.84 OSR, side yards of 8'-0" and 5'-0", and a rear yard with a minimum depth of 20'-6", all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 24, 2019; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 24, 2015.

The resolution has been Amended. Corrected in Bulletin No. 16, Vol. 101, dated April 20, 2016

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BULLETIN

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2016-4169-BZ
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2016-4170-A
809-811 Broadway, located on Broadway between East 11th and East 12th Streets, Block 00563, Lot(s) 35, Borough of **Manhattan, Community Board: 2**. Appeal to challenge the NYC Department of Buildings Permit Number 121236983-01-AL.

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2016-4176-BZ
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2016-4177-BZ
2409 Richmond Avenue, located on Richmond Avenue between Richmond Hill Road and Nome Avenue, Block 02380, Lot(s) 1, Borough of **Staten Island, Community Board: 2**. Special Permit (§73-36) to allow the operation of a physical culture establishment (Orangetheory Fitness) on the first floor of an existing building. C2-1/R3-2 zoning district.

2016-4178-BZ
11-13 Bond Street, located on the south west corner of Bond and Lafayette Streets., Block 00529, Lot(s) 15, Borough of **Manhattan, Community Board: 2**. Variance (§72-21) to allow retail (Use Groups 6 and 10) below the floor level of the second story contrary to ZR §42-14(D)(2)(b), and Use Group 10 retail use, contrary to ZR §42-12. M1-5B zoning district.

.**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

REGULAR MEETING
MAY 24, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 24, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

698-59-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 8, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on December 9, 2015. C2-2/R4 zoning district.
PREMISES AFFECTED – 2773 Nostrand Avenue, northeast corner of Kings Highway and Nostrand Avenue. Block 7684, Lot 22. Borough of Brooklyn.
COMMUNITY BOARD #18BK

853-53-BZ
APPLICANT – Eric Palatnik, P.C., for Knapp Street, LLC., owner;
SUBJECT – Application March 11, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) (Mobil) which expired on June 18, 2015; Waiver of the Rules. C-2/R3-2 zoning district.
PREMISES AFFECTED – 2402/16 Knapp Street, Block 7429, Lot 10, Borough of Brooklyn.
COMMUNITY BOARD #15BK

30-00-BZ
APPLICANT – Fried, Frank, Harris Shriver & Jacobson LLP, for The Trustees of Columbia University in the City of New York, lessee.
SUBJECT – Application February 17, 2016 – Extension of term of a previously granted variance granted pursuant to §72-21 of the zoning resolution which permitted an open parking lot (Use Group 8) which expired on February 6, 2016. R7-2 zoning district.
PREMISES AFFECTED – 465-469 West 165th Street and 458-464 West 166th Street, Block 2111, Lot(s) 53, 54, 55, 57, 71, 72, 73, Borough of Manhattan.
COMMUNITY BOARD #12M

APPEAL CALENDAR

191-15-A thru 195-15-A
APPLICANT – Sheldon Lobel, P.C., for 8105 Kneeland Avenue, LLC, owner.
SUBJECT – Application August 19, 2015 – Proposed development of a five two-story two-family attached residential buildings partially within the bed of an unmapped street, contrary to Article 3, Section 35 of the General City Law.
PREMISES AFFECTED – 51-99, 51-101, 51-105, 51-107, 51-111 Manilla Street, Block 2467, Lot(s) 205, 206, 207, 208 & 209, Borough of Queens
COMMUNITY BOARD #4Q

232-15-A
APPLICANT – Sheldon Lobel, P.C., for Thor 840 West End Avenue LLC, owner.
SUBJECT – Application October 1, 2015 – Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district.
PREMISES AFFECTED – 840 West End Avenue aka 259 West 101 Street, Block 1873, Lot 01, Borough of Manhattan.
COMMUNITY BOARD #7M

MAY 24, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday, afternoon, May 24, 2016, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

93-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Shalom Stein, owner.
SUBJECT – Application April 27, 2015 – Variance (§72-21) to construct a new UG4 Synagogue at the premises to certain bulk and parking regulations and waiver of the floor area side yard , located within an R2X zoning district.
PREMISES AFFECTED – 1011 Reads Lane, between Cornaga Court and Mobile Road, Block 15553, Lot 28, Borough of Queens.
COMMUNITY BOARD #14Q

271-15-BZ
APPLICANT – Philip L. Rampulla, for Lester Realty Associates Corp., owner.
SUBJECT – Application December 10, 2015 – Special

Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16). C2-1/R3-2 zoning district.
PREMISES AFFECTED – 1842 Victory Boulevard, Block 713, Lot 101, Borough of Staten Island.
COMMUNITY BOARD #1SI

278-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Rafael Levy, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461). R2 zoning district.
PREMISES AFFECTED – 3556 Bedford Avenue, between Avenue N and Avenue O, Block 7678, Lot 72, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, APRIL 26, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

526-76-BZ
APPLICANT – Vito J Fossella, P.E., for 1492 Victory Blvd. LLC., owner.
SUBJECT – Application May 19, 2014 – Amendment of a previously approved variance which permitted the conversion of a three story building consisting of two family residence and a store into a three story office building which expired on December 21, 1981. The Amendment seeks to eliminate the term. R2 zoning district.
PREMISES AFFECTED –1492 Victory Boulevard, south side of Victory Boulevard, Block 00681, Lot 33, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to waive the Board Rules of Practice and Procedure and amend a variance previously granted by the Board, which permitted the change in occupancy of an existing three-story building to an office building, to permit the continued use of the building as an office building (Use Group 6) and eliminate the term of the variance; and

WHEREAS, a public hearing was held on this application on September 22, 2015, after due notice by publication in *The City Record*, with continued hearings on November 17, 2015, February 2, 2016, and March 8, 2016, and then to decision on April 26, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommended approval of this application; and

WHEREAS, the subject site is located on the south side of Victory Boulevard, between Albert Street and Little Clove Road, in an R2 zoning district, on Staten Island; and

WHEREAS, the site has approximately 40 feet of frontage along Victory Boulevard, 3,718 sq. ft. of lot area, and is occupied by a three-story plus cellar building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 21, 1976 when, under the subject calendar number, the Board granted a variance permitting, in what was then an R3-1 zoning district, the change in occupancy of the existing three-story building from a store and two-family residence into an office building for a term of five years, expiring December 21, 1981; and

WHEREAS, on January 10, 1978, under the subject calendar number, the Board reopened and amended the variance to allow the relocation of a new stairwell enclosure at the rear wall of the building; and

WHEREAS, on December 9, 1988, nearly seven years after expiration of the term, under the subject calendar number, an application was filed for an extension of term of the variance and such application was withdrawn at the applicant's request; and

WHEREAS, the applicant now seeks an extension of term for the variance and an amendment eliminating the term; and

WHEREAS, because the subject application was filed more than ten years after the expiration of the term, the variance was granted after 1961 and the grant was limited to a term specified only as a condition in the Board's resolution, the applicant requests a waiver of Board Rule of Practice § 1-07.3(b)(4)(ii); and

WHEREAS, the applicant represents that the building is, and has continuously been since at least 1982, occupied as an office building and that neither the character of the surrounding neighborhood nor traffic patterns in the area have changed since the Board's grant of the original variance; and

WHEREAS, the Board notes that the premises have never obtained a Certificate of Occupancy; and

WHEREAS, based on the foregoing, the Board has determined that an extension of the term of the variance is appropriate, subject to certain conditions as set forth below, but that an elimination of the term is not warranted.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated December 21, 1976, to extend the term of the variance for five years from the date of this grant, *on condition* that all work will substantially conform to drawings, filed with this application marked "Received May 19, 2014"-Five (5) sheets, "November 6, 2015"-One (1) sheet and "April 6, 2016"-Two (2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of five years, expiring April 26, 2021;

THAT all open violations on the premises shall be removed prior to obtaining a Temporary Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy for the premises shall be obtained by April 26, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 26, 2016.

253-89-BZ

APPLICANT – Friedman & Gotbaum, LLP, for New York City Industrial Development Agency, owner; Ronald McDonald House of New York, lessee.

SUBJECT – Application December 11, 2015 – Amendment of a previously approved Variance (72-21) which permitted an eleven story community facility (*Ronald McDonald House of New York*) with residences contrary to underlying bulk regulations. The amendment seeks to allow a 6,954 sf enlargement. C1-9/R8B zoning district.

PREMISES AFFECTED – 405-411 East 73rd Street, Block 01468, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated April 5, 2016, acting on Department of Buildings Application No. 121192858, reads in pertinent part:

1. ZR 24-10. Proposed enlargement not permitted by BSA 253-89-BZ for floor area.
2. ZR 24-10, 23-153. Proposed enlargement not permitted by BSA 253-89-BZ for lot coverage.
3. ZR 24-36. Proposed enlargement not permitted by BSA 253-89-BZ for rear yard.
4. ZR 23-662. Proposed enlargement not permitted by BSA 253-89-BZ for height and setback and building height.

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R8B zoning district and partially within a C1-9 zoning district, the enlargement of an eleven story community facility with sleeping accommodations (Use Group 3) (the "RMH House"), which does not comply with the zoning regulations for floor area, lot coverage, rear yard, height and setback, and building height, contrary to BSA Cal. No. 253-89-BZ as well as ZR §§ 24-10, 23-153, 24-36, 23-662; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in the *City Record*, and then to decision on April 26, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, by unanimous vote, Community Board 8, Manhattan, recommended approval of the subject application; and

WHEREAS, by letter dated April 25, 2016, Council Member Benjamin J. Kallos requested that the Board approve the requested wavier of the applicable floor area regulations but urged the Board not to waive height and setback regulations; and

WHEREAS, this application is brought on behalf of Ronald McDonald House of New York ("RMH"), which provides temporary affordable lodging for out-of-region pediatric cancer patients and their families while the child is undergoing treatment at any of RMH's thirteen partner hospitals, four of which are designated by the National Institute of Health as "national cancer centers"; and

WHEREAS, the RMH House is located on a 12,223 sq. ft. zoning lot comprised of two tax lots on Block 1468, in Manhattan; the zoning lot is located on the north side of East 73rd Street, between First Avenue and York Avenue, partially within an R8B zoning district and partially within a C1-9 zoning district; Lot 5, which is occupied by the RMH House, has 100 feet of frontage along the north side of East 73rd Street, and a depth of approximately 102 feet; Lot 104, which is occupied by a five-story multiple dwelling, has approximately 26 feet of frontage adjacent to and west of the Lot 5 frontage, and a depth of approximately 77 feet; the lots were merged to effect a transfer of certain unused development rights from Lot 104 to Lot 5 and none of the waivers granted or modified herein are applicable to Lot 104 or the five-story building thereupon; and

WHEREAS, the applicant states that the RMH House was constructed pursuant to a variance granted by the Board under the subject BSA calendar number on April 24, 1990 (the "Underlying Variance"), which modified then-applicable zoning regulations for floor area ratio, lot coverage, street wall, depth of recess, rear sky exposure planes, and rear yard obstructions; and

WHEREAS, the applicant states at the time of the Underlying Variance, the subject zoning lot was split such that 26-percent of the zoning lot was located within the C1-9 zoning district, including the westernmost 12-percent of Lot 5, and that 74-percent was located within the R8B zoning district; the applicant states further that pursuant to a rezoning in 1994, the zoning district boundaries applicable to the zoning lot were modified, such that 8-percent of the zoning lot is now within the C1-9 zoning district and 92-percent of the zoning lot, including the entirety of Lot 5 and the RMH House, is located within the R8B zoning district; and

WHEREAS, the applicant states that in addition to providing care for pediatric cancer patients and assistance to their families, RMH enables significant, ongoing pediatric oncology medical research at the hospitals and national cancer centers in New York City with which it partners; the applicant notes that the Memorial Sloan Kettering Cancer Center ("MSK") typically represents 60-percent of the RMH occupancy and states that research at MSK is enabled, in part,

by the ongoing treatment at the RMH House; the applicant states further that the majority of the patients at RMH House are participants in clinical trials and that RMH House provides a critical mass of patients for extended periods of time necessary to evaluate the benefits and risks of new cancer therapies; and

WHEREAS, the applicant states that the Underlying Variance addressed the following programmatic needs of the applicant: (1) 84 family units ranging in size from 300 sq. ft. to 370 sq. ft., which generally contain two double beds and, in the larger rooms, space for an additional cot or crib (the "Family Units"); (2) a large number of common areas on the Cellar, First, Second, and Ninth floors which allows for patients and their families to interact, prepare meals in common kitchens, eat together, and socialize (the applicant states that the therapeutic importance of these interactions is an essential component of the RMH program), and also provide educational venues for patients who are residents of the RMH House for extended periods; and

WHEREAS, pursuant to the Underlying Variance, the RMH House accommodates the programmatic needs of the applicant as follows: at the cellar, a play area and children's library, a computer room, an entertainment area, a music room, and mechanical equipment; at the first floor, the four story atrium/lobby and reception area, a meeting room, two resource libraries, public restrooms, a conference room, a chapel, administrative space for reception and registration and the RMH administrative offices; at the second floor, a communal dining area for 160 persons, four large communal kitchen modules, the on-site manager's apartment, and RMH office space; at the third and fourth floors, a landscaped outdoor terrace at the rooftop over the rear portion of the second story, and ten Family Units on each floor; at the fifth and sixth floors, thirteen Family Units on each floor; on the seventh and eighth floors, ten Family Units on each floor; on the ninth through eleven eleventh floors, six Family Units on each floor; at the roof, ten pieces of mechanical equipment distributed among three levels; and

WHEREAS, the applicant represents that RMH's programmatic needs have changed as follows: in order to accommodate more pediatric cancer patients and their families, RMH requires eleven additional Family Units; RMH also needs to enlarge and convert six of its existing Family Units into rooms designed to serve the needs of a family with an immunocompromised child who is recovering from a bone marrow transplant, permitting the child's family to lodge with the child for up to 90 days while the child remains in relative isolation for a 4-6 week post-procedure period during which time his or her immune system returns to function (the "Immunosupression Rooms"); RMH needs to update the HVAC system in the RMH House in order to provide patients with the ability to adjust the room temperature in all of the Family Units and Immunosupression Rooms, which requires, *inter alia*, the installation of a new chiller on the roof of the RMH House; and

WHEREAS, in order to facilitate the foregoing programmatic needs, RMH proposes to enlarge the RMH house by 6,954 sq. ft. through the combination of horizontal new construction and alterations on floors 1-4, 7, and 9-11 and the installation of new mechanical equipment on the roof; and

WHEREAS, specifically, RMH proposes to relocate the recessed entranceway on the first floor of RMH House to the front property line and reduce the volume of the resource libraries on that floor to allow for an extension of the second floor slab, thereby enlarging the second floor; the applicant further proposes to reduce to two stories the existing four-story atrium, allowing for an enlargement of the third and fourth floors, and bring the front elevation of the seventh, ninth, tenth, and eleventh floors, currently set back from the front property line, forward, in order to provide additional space for new Family Units and the Immunosupression Rooms; the applicant further proposes to modify the roof which, pursuant to the Underlying Variance, provides for an unusually large amount of air handling equipment to address the special needs of the pediatric cancer patients staying at RMH House; the applicant proposes that it will install two new pieces of mechanical equipment on the roof to permit the conversion of the HVAC system to a new system with individual room controls (a small condenser unit on the lowest roof level and a new chiller on the upper roof level); and

WHEREAS, the applicant notes that because of the locational requirements for the new chiller, which, due to spatial constraints is located in close proximity to the existing co-gen dry cooler, there is insufficient room to provide the shielding required to meet the definition of a "permitted obstruction" pursuant to ZR § 24-51(f)(3), and, therefore, the new chiller must be considered part of the proposed enlargement for zoning calculation purposes, thereby increasing the overall height of the RMH House by approximately 12'-0"; and

WHEREAS, the applicant seeks to modify the waivers granted pursuant to the Underlying Variance, and request additional waivers, as follows: increase in the waiver of then-applicable ZR § 24-11 (now ZR § 24-10) to allow for an increase of 6,954 sq. ft. of floor area (.6 FAR), such that the proposed enlargement will contain 80,162 sq. ft. of floor area, 12,935 sq. ft. of floor area more than is permitted under the applicable zoning district regulations (5.5 FAR is permitted, 5.99 FAR exists pursuant to the Underlying Variance, 6.56 FAR is proposed); increase in the waiver of the then-applicable ZR §§ 24-11 and 24-33 (now ZR §§ 24-10 and 23-153, respectively) to permit the increased lot coverage of the proposed expansion (70-percent lot coverage is permitted, 71.3-percent lot coverage exists pursuant to the Underlying Variance, 73.8-percent lot coverage is proposed); a waiver of ZR §24-36 to permit the increase of floor area into the rear yard portion of the existing RMH House; (4) a waiver of ZR §23-662 for height (a height of 75'-0" is permitted, a height of 123'-0" exists pursuant to the Underlying Variance, a height of 135'-0" is proposed to accommodate the new mechanical equipment on the roof) and setback (a setback of 15'-0" at 55'-65' is required, a setback of 20'-0" at 59'-0" exists pursuant to the Underlying Variance, a varying setback of 6'-9' at 59'-0" is proposed, with a setback of 20'-0" at 68'-0"); and

WHEREAS, the applicant notes that the floor area wavier sought herein is necessitated, in part, by the reduction in

floor area which resulted from the redrawing of the district boundaries impacting the zoning lot, which, the applicant argues, effectively "downzoned" the site by reducing the percentage of the zoning lot which benefitted from the C1-9 regulations (10 FAR allowed for community facility) and increasing the percentage of the zoning lot which was subject to R8B regulations (5.1 FAR allowed for community facility), a loss, the applicant states, of approximately 10,949 sq. ft. of floor area that was permitted on the zoning lot at the time the Underlying Variance was granted; and

WHEREAS, the applicant states, and the Board credits, that RMH cannot increase the floor area within the RMH House or meet its programmatic needs without the requested waivers for height and setback; and

WHEREAS, the applicant states that it has complied with all of the conditions imposed pursuant to the Underlying Variance; and

WHEREAS, the applicant maintains that the proposed enlargement of the RMH House will not alter the essential character of the subject block or neighborhood, which, the applicant states, is multifamily residential with ground floor retail; and

WHEREAS, the applicant also argues that the streetwall of the base of the RMH House aligns with the majority of the streetwalls on the block and will do so after the proposed expansion is complete; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment of the Underlying Variance is appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *amends* the resolution, dated April 24, 1990, such that as amended this portion of the resolution reads: "to permit the proposed expansion of the RMH House"; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received April 15, 2016" – eighteen (18) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the RMH House: floor area of 80,162 sq. ft. (6.56 FAR); lot coverage of 73.8-percent; a height of 135'-0" (inclusive of mechanical equipment on the roof) and a varying setback of 6'-9' at 59'-0", with a setback of 20'-0" at 68'-0"; all other yards and setbacks as depicted on the Board-approved plans;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT any change in the use, occupancy, or operator of the RMH House shall require review and approval by the Board;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by April 26, 2020;

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

(DOB Application No. 121192858)

Adopted by the Board of Standards and Appeals, April 26, 2016.

227-10-BZ

APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.

SUBJECT – Application April 16, 2015 – Amendment (§11-412) of a previously approved variance permitting the operation of an automotive service station (UG 16B). The amendment seeks to install a canopy, replace gasoline storage tanks, increase the number of parking spaces, add ADA accessible ramp and accessory parking spaces. R3-2/C2-2 zoning district.

PREMISES AFFECTED – 204-12 Northern Boulevard, northern Boulevard between 204th Street and Clearview Expressway, Block 07301, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to amend a variance previously granted by the Board permitting the operation of an automotive service station (Use Group 16B) to legalize existing signage, curb cuts and an on-site convenience store with 135 sq. ft. of retail selling floor area, add a canopy, replace gasoline storage tanks, and add an ADA-accessible ramp and accessory concrete walk; and

WHEREAS, a public hearing was held on this application on February 9, 2016, after due notice by publication in *The City Record*, with continued hearings on April 5, 2016, and April 12, 2016, and then to decision on April 26, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 11, Queens, recommended disapproval of the application on the basis of mismanagement of the site under a prior operator, but such concerns were allayed by representations of the applicant that that operator had been evicted and that the site will be properly run by its new operator; and

WHEREAS, the subject site is located on the south side of Northern Boulevard, between 204th Street and the Clearview Expressway, in an R3-2 (C2-2) zoning district, in Queens; and

WHEREAS, the site has approximately 150 feet of frontage along Northern Boulevard, 15,000 sq. ft. of lot area, and is occupied by a gasoline service station with a one-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 11, 1955 when, under BSA Cal. No. 212-51-BZ, the Board granting a variance permitting a gasoline service station and accessory uses for a term of 15 years, expiring October 11, 1970; and

WHEREAS, on July 10, 1956, under BSA Cal. No. 212-51-BZ, the Board amended the variance to accept changes to the previously approved plans and permit the installation of an additional pump on each of two existing pump islands; and

WHEREAS, on January 5, 1971, under BSA Cal. No. 212-51-BZ, the Board waived the Rules of Practice and Procedure and extended the term of the variance for a term of ten years, expiring October 11, 1980; and

WHEREAS, on October 10, 1972, under BSA Cal. No. 212-51-BZ, the Board amended the variance to permit alterations to the existing accessory building; and

WHEREAS, on September 30, 1980, under BSA Cal. No. 212-51-BZ, the Board extended the term of the variance for an additional term of ten years, expiring October 11, 1990; and

WHEREAS, on November 17, 1992, under BSA Cal. No. 212-51-BZ, the Board waived the Rules of Practice and Procedure and extended the term of the variance for an additional ten year term, expiring October 10, 2000; and

WHEREAS, on September 20, 2011, under the subject calendar number, the Board waived the Rules of Practice and Procedure and reinstated the expired variance and granted an extension of time to obtain a certificate of occupancy, a request for an amendment to the previously approved plans for the variance and an extension of term for an additional 10 years, expiring September 20, 2021; and

WHEREAS, the applicant currently seeks to legalize the existing signage and curb cuts, legalize the on-site convenience store within the existing one-story building, which has 135 sq. ft. of retail floor area; to add a canopy over the existing pump islands; remove one ground gasoline tank and four underground gasoline tanks; add three gasoline tanks along with the necessary piping, islands and dispensaries; and add an ADA-accessible ramp and accessory concrete walk to the accessory building; and

WHEREAS, the applicant represents that the current owners acquired operating control of the subject premises subsequent to the Board's 2011 reinstatement of the expired variance and changed signage on the premises pursuant to validly issued permits issued by the Department of Buildings ("DOB") and which comply with the underlying zoning regulations, but are inconsistent with the previously approved Board plans; and

WHEREAS, additionally, the dimensions of the three curb cuts at the premises do not comply with the curb cut dimensions illustrated on the previously approved Board plans; and

WHEREAS, the site additionally includes a convenience store with 135 sq. ft. of retail selling floor area within a completely enclosed building, which the applicant submits satisfies TPNN #10/99 and qualifies the store as a permissible accessory use to the automotive service station; and

WHEREAS, the applicant represents that the proposed alterations to the premises are permitted pursuant to ZR § 11-412; and

WHEREAS, in response to the Board's concerns, the applicant revised the proposal to depict a masonry enclosure with a stucco finish around the trash and aboveground waste oil tank maintained on the premises; and

WHEREAS, in response to community concerns regarding the proper utilization of the storage tanks located on the property, the applicant submitted a recent Certificate of Storage Tank System Testing indicating that the equipment on the site passed all applicable regulations and represented that though precision tank testing is not required on a reoccurring basis, the tanks onsite are tested annually; and

WHEREAS, based on the foregoing, the Board has determined that the requested amendments to the variance are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated September 20, 2011, to legalize existing signage, curb cuts and an on-site convenience store with 135 sq. ft. of retail selling floor area, add a canopy, replace gasoline storage tanks, and add an ADA-accessible ramp and accessory concrete walk, *on condition* that all work will substantially conform to drawings, filed with this application marked "Received April 25, 2016"-Five (5) sheets; and *on further condition*:

THAT lighting shall be directed downwards so as to not shine onto neighboring properties;

THAT all light fixtures shall be NYC-approved;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 26, 2016.

472-37-BZ

APPLICANT – Eric Palatnik, P.C., for 246 Sears Road Realty Corp., owner.

SUBJECT – Application October 14, 2014 – Extension of Term (§11-411) for the continued operation of an automotive service station which expired on January 27, 2014; Amendment (§11-412) to permit the conversion of repair bays into convenient store, the addition of a new canopy and relocation of fuel storage tanks. R5 zoning district.

PREMISES AFFECTED –2765 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 06915, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for adjourned hearing.

636-54-BZ
APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.
COMMUNITY BOARD #18BK

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

528-64-BZ
APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.
SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.
PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for adjourned hearing.

327-88-BZ
APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.
PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

129-97-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.
SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for adjourned hearing.

4-98-BZ
APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.
SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.
PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.
COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

201-08-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for For Our Children, Inc., owner.
SUBJECT – Application October 16, 2015 – Extension of Time to Complete Construction and a Waiver (72-01) for extension of time to complete construction of a previously variance granted to allow the one story commercial building use for 18 parking spaces and offices (UG 6) contrary to use regulation. R3X zoning district.
PREMISES AFFECTED –40-38 216th Street, Block 6290, Lot 070, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for deferred decision.

APPEALS CALENDAR

300-08-A
APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.
PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.
COMMUNITY BOARD #1Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

322-13-BZ
APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.
SUBJECT – Application December 18, 2013 – Re-instatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.
PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for continued hearing.

24-14-BZ
APPLICANT – Gerald J. Caliendo, Architect, PC, for Frank Moreno, owner.
SUBJECT – Application February 3, 2014 – Variance (§72-21) to legalize an enlargement of an existing one family residence and a conversion from one dwelling unit to two dwelling units, contrary to front and side yards (§23-45 and §23-46). R4 zoning district.
PREMISES AFFECTED – 106-02 Sutter Avenue, Block 11506, Lot 42, Borough of Queens.
COMMUNITY BOARD #10Q
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

200-14-BZ
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
PREMISES AFFECTED – 46-05 Parsons Boulevard aka 147-08 46th Avenue, Block 05462, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to April 26, 2016, at 10 A.M., for adjourned hearing.

269-14-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for 89-40 Realty LLC/Yaron Rosenthal, owner; Sun Star Services, lessee.
SUBJECT – Application November 3, 2014 – Special Permit §73-36) to permit the physical culture establishment *(Massage Envy Spa)* on the first floor level of an existing commercial building in a C2-2 in R4 zoning district.
PREMISES AFFECTED – 89-44 Metropolitan Avenue, southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 03872, Lot 33, Borough of Queens.
COMMUNITY BOARD #5Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for decision, hearing closed.

329-14-BZ
APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.
PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, APRIL 26, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson,

Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

152-14-BZ
APPLICANT – Sheldon Lobel, P.C., for Ashawagh Cottage, LLC., owner.
SUBJECT – Application June 26, 2014 – Variance (§72-21) to permit the construction of a new community facility building at the premises which would contain a for-profit school, the school at Fillmore Place for children ages two through six. R6B zoning district in a historic district.
PREMISES AFFECTED – 673 Driggs Avenue, Block 2382, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

100-15-BZ
APPLICANT – Eric Palatnik, PC, for 24 East 39 LLC, owner.
SUBJECT – Application May 5, 2015 – Variance (§72-21) to propose a change of use in the existing building on the premises from a use group 2 apartment hotel to a use group 5 transient hotel. R8B zoning district.
PREMISES AFFECTED – 24 East 39th Street, Block 0868, Lot 051, Borough of Manhattan.
COMMUNITY BOARD #6M

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

188-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 100 West 72nd Street Associates, LLC, c/o Robert C. Quinlan, owner.
SUBJECT – Application August 17, 2015 – Special Permit (§73-36) to permit a Physical Culture Establishment (*Miccass/Momemtum Fitness*) in the cellar level of the premises. C4-6A zoning district.
PREMISES AFFECTED – 100 West 72nd Street, southwest corner of West 72nd Street and Columbus Avenue, Block 1143, Lot 7503, Borough of Manhattan.
COMMUNITY BOARD #7M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on October 27, 2015, under Calendar No. 69-15-BZ and printed in Volume 100, Bulletin No. 44, is hereby corrected to read as follows:

69-15-BZ
CEQR #15-BSA-184R
APPLICANT – Glenn V. Cutrona, AIA, for Murray Page 74 LLC, owner.
SUBJECT – Application March 30, 2015 – Variance (§72-21) a proposed eating and drinking establishment with accessory drive through facility, located within an R3X/C1-1/SRD zoning district.
PREMISES AFFECTED – 245 Page Avenue, between Richmond Valley Road and Amboy Road, Block 08008, Lot 74, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0
Abstain: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated March 26, 2015, acting on Department of Buildings Application No. 520268978, reads in pertinent part:

> Proposed eating and drinking establishment with accessory drive through facility located in a C1-1 district is not allowable as per Section 32-15 of the New York City Zoning Resolution and would require a special permit pursuant to Section 73-243. As the proposed development is located within the Special South Richmond Development District, Section 73-243 is not applicable. Therefore, refer to the Board of Standards and Appeals pursuant to Section 72-21 for a variance; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, the construction of an eating and drinking establishment with a drive thru window, contrary to ZR §§ 32-15 and 73-243; and

WHEREAS, a public hearing was held on this application on September 22, 2015, after due notice by publication in *The City Record*, and then to decision on October 27, 2015; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is an irregularly shaped lot with approximately 290 feet of frontage along the east side of Page Avenue between Amboy Road, to the south, and Richmond Valley Road, to the north, partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, in Staten Island; the site has a total lot area of 53,067 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to subdivide Lot 74 into two lots—Tentative Lot 73, the southeasterly portion of the lot completely located within an R3X zoning district with a total lot area of 18,578 sq. ft., and New Lot 74, the remainder of the lot located partially within an R3X zoning district and partially within an R3X (C1-1) zoning district with 6,950 sq. ft. of lot area in an R3X zoning district, 27,539 sq. ft. of lot area in an R3X (C1-1) zoning district and a total lot area of 34,489 sq. ft.; and

WHEREAS, this application is only with regards to New Lot 74; and

WHEREAS, the applicant further proposes to construct a one-story commercial fast food restaurant with a drive-thru component (Use Group 6) within the R3X (C1-1) portion of New Lot 74 fronting Page Avenue, with 2,608 sq. ft. of floor area, and 19 accessory off-street parking spaces; and

WHEREAS, the proposed restaurant would be accessed from a cross access easement and a curb cut on lot 71, located immediately south of the subject site, because the topography of the site makes direct access to the site from Page Avenue unfeasible; and

WHEREAS, an application related to the proposal is currently filed with the New York City Department of City Planning ("DCP") for Special South Richmond District authorization for the Modification of Existing Topography under ZR § 107-65 and certification for the subdivision of the lot under ZR § 107-08; and

WHEREAS, the applicant's proposed use is allowed in a C1-1 zoning district by Special Permit pursuant to ZR §§ 32-15 and 73-243 except in Special Purpose Districts; and

WHEREAS, because the subject site is located within the Special South Richmond Development District, the applicant must seek permission pursuant to a variance under ZR § 72-21; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: presence of New York State Department of Environmental Conservation ("DEC") tidal and tidal adjacent wetlands areas; significant topographical variations within the lot; the location of the site in a flood zone AE and minimally within a Flood Zone X; and poor soil conditions and a high water table; and

WHEREAS, the 26,290 sq. ft. of lot area (out of 34,489 sq. ft. of total lot area, or approximately 76 percent of the site) located within tidal and tidal adjacent wetlands areas reduce the developable area of the site; and

WHEREAS, the DEC permit, issued January 22, 2015,

represents that the maximum development allowed on the subject lot is a building with 2,608 sq. ft. of floor area and a floor area ratio ("FAR") of 0.08, a small fraction of the 27,539 sq. ft. (1.00 FAR) of maximum floor area permitted on New Lot 74 for commercial use pursuant to ZR § 33-121; and

WHEREAS, the DEC has also required that the applicant set aside an area of no disturbance, install wetland mitigation plantings and use pervious pavement for drainage; and

WHEREAS, the east side of the lot rises significantly towards Page Avenue as the road approaches the Page Avenue Bridge that spans over Staten Island Rapid Transit railroad tracks and Mill Creek, both located directly north of New Lot 74; and

WHEREAS, in order to develop New Lot 74, the topography must be modified so as to grade the portion that rises to Page Avenue and the Page Avenue Bridge; accommodate the installation and ensure the functioning of dry wells and septic system required due to the lot's naturally high water table; and support the proper and safe circulation of vehicles and pedestrians on the site; and

WHEREAS, the Board agrees that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) construction of a one-story 2,607 sq. ft. commercial building with on-site parking for 19 cars, but without a drive-thru facility ("As-of-Right Commercial") and (2) the proposal; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, specifically, the applicant argues that the inclusion of a drive-thru operation in the proposed use would generate greater sales for a tenant than in the As-of-Right Commercial scenario and allow the applicant to demand greater rents per square foot of building area; and

WHEREAS, the applicant further argues that the significant additional revenue generated as a result of the drive-true operation will attract tenants willing to assume some of the costs associated with the construction of the building, which would reduce the applicant's costs and increase the applicant's investment return; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that Page Avenue is an arterial street with two lanes in each direction developed as a major commercial strip for nearby residents; commercial buildings with drive-thru operations are located directly across the street from the subject site; a significant portion of the Tentative Lot 73, located in an R3X zoning district, will not be developed because it has been established by the DEC as an area of no disturbance; there are plantings between New Lot 74 and Tentative Lot 73 to buffer the site from any future residential use on Tentative Lot 73; there are also plantings along Page Avenue that screen the parking on the site from pedestrians; traffic to and from the subject site will not interfere with traffic flow on Page Avenue because cars will use the cross access easement and existing curb cut on Lot 71 and queue for the drive-in operation onsite; and

WHEREAS, in response to questions from the Board, the applicant further asserts that the annunciator used in the drive-thru operation will not negatively affect the public; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15-BSA-184R, dated July 23, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Fire Department, by letter dated June 19, 2014, offers no objection to the proposal but set forth the following requirements as conditions of approval: (1) the commercial occupancy must be fully sprinklered in

conformity with the sprinkler provisions of the New York City Building Code & New York City Fire Code and (2) fire hydrant location must be within 100' of the Siamese connection for 254 Page Avenue; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site partially within an R3X zoning district and partially within an R3X (C1-1) zoning district and in the Special South Richmond Development District, the construction of an eating and drinking establishment with a drive thru window, contrary to ZR §§ 32-15 and 73-243, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 29, 2015" – six (6) sheets; and *on further condition*:

THAT the commercial occupancy must be fully sprinklered in conformity with the sprinkler provisions of the New York City Building Code & New York City Fire Code;

THAT fire hydrant location must be within 100'-0" of the Siamese connection for 254 Page Avenue;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 27, 2015.

The resolution has been Amended to correct the DOB Application number which read:** "**…520233024…*" **now reads:** "**….***520268978…*" **Corrected in Bulletin Nos. 17-18, Vol. 101, dated May 4, 2016**

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BULLETIN

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2016-4181-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JUNE 2, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Thursday morning, June 2, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

173-04-BZ
APPLICANT – Eric Palatnik, P.C., for 365 Park South LLC, owner.
SUBJECT – Application January 16, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment use in the cellar of an existing twelve-story building which expired on November 23, 2014; Waiver of the Rules. M1-6 zoning district.
PREMISES AFFECTED – 5 West 37th Street aka 5-9 West 37th Street, Block 839, Lot 34, Borough of Manhattan.
COMMUNITY BOARD #5M

80-05-BZ
APPLICANT –Aura Wellness Spa Corp., for Erol Devli, owner; Rockford Chun, lessee.
SUBJECT – Application December 15, 2015 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Aura Wellness Spa Corp.) which expired on November 15, 2015. C6-6 and C6-4.5 zoning district.
PREMISES AFFECTED – 49 West 33rd Street, Block 835, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #5M

238-07-BZ
APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Graduate Center Foundation Housing Corporation, LIC, owner.
SUBJECT – Application March 14, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a 12 story mixed use residential/commercial building and a 6 story graduate student and faculty housing building, contrary to use and bulk set to expire on September 23, 2016. M1-4 and M1-4/R6A (LIC).
PREMISES AFFECTED –5-17 47th Avenue, Block 28, Lot(s) 12, 15, 17, 18, 21, Borough of Queens.
COMMUNITY BOARD #2Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, MAY 3, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

238-04-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for C-Squarewood LLC, owner; NYHRC, lessee.
SUBJECT – Application July 28, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment located in the cellar, first and mezzanine floors, of an existing twelve story mixed–use building, which expired on January 25, 2015; Waiver of the Rules. M1-5B zoning district.
PREMISES AFFECTED – 62 Cooper Square, Block 544, Lot 7501, Borough of Manhattan**.**
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the Board's Rules of Practice and Procedure, extend the term of a variance for a physical cultural establishment (PCE) previously granted by the Board under the subject calendar number, which expired on January 25, 2015; and

WHEREAS, a public hearing was held on this application on March 22, 2016, after due notice by publication in *The City Record*, and then to decision on May 3, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley Brown, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Cooper Square between Astor Place and East 4th Street, within an M1-5B zoning district, in Manhattan; and

WHEREAS, the site has approximately 167 feet of frontage along Cooper Square, 13,818 sq. ft. of lot area, and is occupied by a twelve-story mixed use building; and

WHEREAS, the subject PCE is located in the cellar, first and mezzanine levels of the building; and

WHEREAS, on January 25, 2005, under the subject calendar number, the Board granted a special permit to permit the operation of the subject PCE, subject to a term of ten (10) years, expiring January 25, 2015; and

WHEREAS, the applicant seeks an extension of the term of the special permit for an additional ten years and a waiver of the Board's Rule of Practice and Procedure § 1-07.3(b)(2) to permit the filing of this application; and

WHEREAS, as required by that Rule, the applicant has demonstrated that the use has been continuous since the expiration of the term and that substantial prejudice would result without the granting of such a waiver; and

WHEREAS, the applicant does not seek a change in the PCE's operator, New York Health & Racquet Club, or hours of operation, which remain limited to Monday through Sunday, 6:00 a.m. to 11:00 p.m., as previously-approved by the Board; and

WHEREAS, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated January 25, 2005 so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of ten (10) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received April 14, 2016–Six (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from January 25, 2015, expiring January 25, 2025;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by May 3, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 3, 2016.

98-06-BZ
APPLICANT – Eric Palatnik, P.C., for Yeshiva Siach Yitzchok, owner.
SUBJECT – Application March 3, 2015 – Amendment of a previously approved Variance (§72-21) which permitted school (Yeshiva Siach Yitzchok) contrary to bulk regulation and contrary to General City Law section 35. The Amendment seeks minor interior changes and an increase in height from fifty feet to a proposed fifty four feet. R4A zoning district.
PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of Bech 9th Street and Dinsmire Avenue, Block 15554, Lot 0049, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on

condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance previously granted by the Board under the subject calendar number to permit minor interior changes and an increase in height; and

WHEREAS, a public hearing was held on this application on December 1, 2015, after due notice by publication in *The City Record*, with continued hearings on February 2, 2016, March 22, 2016 and May 3, 2016, and then to decision on May 3, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Queens, waived its right to formally hear the application; and

WHEREAS, this application is brought on behalf of Yeshiva Siach Yitzchok, a not-for-profit educational entity (the "Yeshiva"); and

WHEREAS, the subject site is located on the southwest corner of Beach 9th Street and Dinsmore Avenue, in an R4A zoning district, in Queens; and

WHEREAS, the site has approximately 100 feet of frontage along Beach 9th Street, 100 feet of frontage along Dinsmore Avenue, 9,973 sq. ft. of lot area, and is currently vacant; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 10, 2007 when, under the subject calendar number, the Board approved a variance pursuant to ZR § 72-21, on condition, to permit the construction of a four-story yeshiva; and

WHEREAS, on the same day, under BSA Cal. No. 284-06-A, the Board granted a waiver of Section 35 of the General City Law ("GCL") to permit a portion of the yeshiva to be built within the bed of a mapped street; and

WHEREAS, on November 20, 2012, under the subject calendar number, the Board amended the resolution granting the variance to approve modifications to the approved plans—including increases in the proposed floor area, wall height, front yard depth and lot coverage and reductions in the front yard depth and setback—and grant a four-year extension of time to complete construction, expiring November 20, 2016; and

WHEREAS, on the same day, under BSA Cal. No. 284-06-A, the Board amended the previously granted waiver of GCL § 35 to accept changes to the building design that decreased the depth of the front yard encroachment into the bed of the mapped street; and

WHEREAS, the applicant now seeks further amendment to the previously approved variance to approve minor interior changes to the previously approved plans and an increase in building height from 50'-0" to 53'-6"; and

WHEREAS, the applicant represents that the amendment is necessary to better meet the Yeshiva's programmatic needs and that the proposed changes to the interior of the proposed building are only requested to comply with the 2014 Building Code; and

WHEREAS, the applicant further represents that, under the subject proposal, the classroom count remains the same and that no alterations to the total floor area, floor area ratio ("FAR"), lot coverage, or yard dimensions previously approved by the Board are proposed; and

WHEREAS, the subject application proposes changes in the ceiling heights, and consequently the floor to floor heights, so as to improve the quality and comfort of the classroom and community spaces within the yeshiva; and

WHEREAS, the applicant originally proposed a building height of 54'-0", but in response to Board concerns the applicant now proposes a building height of 53'-6"; and

WHEREAS, specifically, the applicant proposes an increase in the first floor ceiling height from 8'-7" to 10'-0" (with 13'-3" floor to floor height) and increases in the second, third and fourth floor ceiling heights from 8'-7" to 9'-0" (with 12'-0" floor to floor heights on the second and third floors and 12'-3" floor to floor height on the fourth floor); and

WHEREAS, the applicant represents that the greater floor-to-floor heights permit the usage of deeper steel beams which can be spaced further apart and that the use of these beams will save the Yeshiva more than $400,000 in framing costs as compared to the costs of framing the building in accordance with the plans previously approved by the Board; and

WHEREAS, the applicant submits that the site's high water table, at 19'-0", prevents the Yeshiva from being constructed any lower than 4'-0" below grade and, thus, the height of the building must increase to accommodate the proposed increase in ceiling and floor-to-floor heights; and

WHEREAS, the Board accepts that the proposed modifications to the previously approved Board plans represent the minimum necessary to accommodate its programmatic needs; and

WHEREAS, based upon its review of the evidence, the Board finds that the requested amendments do not alter the Board's findings made for the original variance; and

WHEREAS, accordingly, the Board finds that the proposed variance, as amended, is appropriate with certain conditions set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 10, 2007, to amend a variance previously granted by the Board to permit minor interior changes and an increase in height; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received April 15, 2016" – Sixteen (16) sheets; and *on further condition*:

THAT the interior layout as shown on the Board-approved plans shall be substantially complied with and all exits shall be as approved by DOB;

THAT the maximum occupant load per floor/space shall be as approved by DOB;

THAT classrooms shall comply with occupant load

requirements based on net floor area per Building Code 2014 Table 1004.1.1;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

374-71-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 205-11 Northern Boulevard LLC, owner.
SUBJECT – Application May 7, 2014 – Extension of Term of a previously granted Variance (72-21) for the continued operation of an automobile showroom with open display of new and used cars (UG16) with accessory customer and employee parking in a previously unused vacant portion of the premises which expired on July 18, 2011. C2-2 (R3-2) zoning district.
PREMISES AFFECTED – 205-11 Northern Boulevard, Block 06269, Lot 20, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

1122-81-BZ
APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.
SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.
COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

826-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

827-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 270-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

828-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartment, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

77-99-BZ
APPLICANT – Alfonse Duarte, P.E., for Turnpike Auto Laundry Inc., owner.
SUBJECT – Application February 24, 2015 – Extension of Term of previously approved variance which permitted the operation of an existing auto laundry which expired on February 8, 2015. C8-1 & R2A zoning districts.
PREMISES AFFECTED – 255-39 Jericho Turnpike, Block 8830, Lot 52, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

47-10-BZ
APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.
SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.
PREMISES AFFECTED – 895 Zerega Avenue aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.**COMMUNITY BOARD #9BX**
ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for deferred decision.

APPEALS CALENDAR

35-15-A
APPLICANT – Herrick Feinstein, LLP, for Baychester Retail III, LLC., owner.
SUBJECT – Application February 25, 2015 – An administrative appeal challenging the Department of Buildings' final determination dated January 26, 2015, to permit the installation of 54 individual signs at the subject property. C7 zoning district.
PREMISES AFFECTED – 2001 Bartow Avenue, Block 05141, Lot 0101, Borough of Bronx.
COMMUNITY BOARD #10BX
ACTION OF THE BOARD – Application Denied.
THE VOTE TO GRANT –
Affirmative: Vice-Chair Hinkson and Commissioner Ottley-Brown.....2
Negative: Chair Perlmutter, Commissioner Montanez and Commissioner Chanda.....3
THE RESOLUTION –

WHEREAS, the issue before the Board is whether an assembly comprised of 54 separate illuminated LED video screens (the "Subject Assembly") constitutes a single sign or, to the contrary, is a display comprised of multiple signs, such that the January 26, 2015, final determination of New York City Department of Buildings First Deputy Commissioner Thomas J. Fariello (the "Final Determination"), issued in response to the Appellant's submission of a Zoning Resolution Determination Form, should be overturned; and

WHEREAS, as noted, the Subject Assembly is comprised of 54 illuminated LED video screens (referred to herein, for consistency with the Final Determination, as "panels" or "advertising panels"); the panels are arranged in two parallel vertical planes consisting of 27 panels each; the two vertical planes are mounted on opposite sides of a single monopole structure; all of the panels on each vertical plane measure between 298 and 310 square feet of surface area, and all are spaced twelve inches apart from each other; and

WHEREAS, as set forth below, a majority of the Commissioners of the New York City Board of Standards and Appeals conclude that the Subject Assembly constitutes a single sign and that the surface area of that sign is in excess of that which is permitted under the Zoning Resolution; accordingly, the First Deputy Commissioner's Final Determination, which concludes that "[t]he surface area of all 27 panels on each vertical plane must be calculated as a single sign and the surface area of a single sign must comply with the provisions of ZR 32-622," should not be disturbed; and

WHEREAS, this appeal is brought on behalf of Baychester Retail III LLC (the "Appellant"), owner of the vacant site known as and located at 2001 Bartow Avenue, and also known as 500 Baychester Avenue, Block 5141, Lot 101, in the Bronx (the "Site"); and

WHEREAS, the Site is located in a C7 zoning district, east of the New England Throughway, an arterial highway as defined in the Zoning Resolution of the City of New York (the "Zoning Resolution"); the Appellant states that the minimum distance between the New England Throughway and the Site is 287 feet, and that the Subject Assembly is located 322 linear feet from the New England Throughway; and

WHEREAS, a public hearing was held on this application on September 1, 2015, after due notice by publication in *The City Record*, with continued hearings on October 20, 2015, December 8, 2015, and February 23, 2016, and March 22, 2016 and then to decision on May 3, 2016; and

WHEREAS, both the Appellant and DOB have been represented by counsel throughout this appeal, and the Board has reviewed numerous written submissions from both parties in support of their respective positions; and

WHEREAS, Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject Site and neighborhood; and

WHEREAS, the Board notes that Bronx Community Board No. 10, by letter dated October 20, 2015, opposed the instant application; and

BACKGROUND AND PROCEDURAL HISTORY

WHEREAS, the Appellant states that on July 26, 2013, it pre-filed applications for each of the 54 advertising panels as individual advertising signs, and that such applications were assigned to two DOB plan examiners;[1] and

WHEREAS, the Appellant notes that certain applications were assigned to one DOB plan examiner, while other applications were assigned to another DOB plan examiner; and

WHEREAS, the Appellant states that on August 5, 2013, DOB issued objections for the first series of applications, and that such objections did not include any zoning objections; and

WHEREAS, the Appellant states that on August 22, 2013, DOB issued objections for the second series of applications, and that such objections included, *inter alia*, the following:

> (1) ZR 32-662 provide survey to justify compliance with the stated section of the code; (2) ZR 32-662 proposed advertising sign distance to the edge of the arterial highway is deficient and therefore contrary to the stated section of the code. The way and criteria that the total square footage of the sign is questionable; and (3) ZR 33-432 substantiate proposed 209'-11/2" height of the advertising sign; and

WHEREAS, the base of the Subject Assembly is a single supporting pole to which a gridded structural framework made up of vertical and horizontal supports, uprights, and cross-arms is attached (the "Monopole Structure"); the Appellant states that on August 28, 2013, it filed an application for the Monopole Structure (the "Monopole Application"); the Appellant states that on August 30, 2013, DOB issued objections to the Monopole Application all of which, the Appellant maintains, were related to the New York City Building Code; the Appellant states further that as of September 23, 2013, all such objections were resolved and the Monopole Application was approved by DOB until December 18, 2013, at which time the status of the Monopole Application was changed to "disapproved"; the Appellant states that the Monopole Application was amended and subsequently approved on May 13, 2014; and

WHEREAS, the Appellant states that on November 7, 2013, DOB approved some, but not all of the DOB Applications; and

WHEREAS, the Appellant states that on November 8, 2013, DOB amended the status of those DOB Applications which were approved to "disapproved," such that all of the DOB Applications were disapproved; and

WHEREAS, the Appellant states that on December 5, 2013, the objection sheets for the majority of the DOB Applications were amended to state that "in the case that these 21 [sic] individual rectangular signs on the same sign structure and frame constitute one sign as opposed to being individual signs. Therefore, the edge of the sign to the arterial highway must be the total square footage of all the signs combined"; and

WHEREAS, the Appellant states that on or about February 10, 2014, it submitted a Zoning Resolution Determination Form (the "Initial ZRD1") seeking a reversal of the zoning objections issued against all of the DOB Applications on the grounds that each of the advertising panels of the Subject Assembly was an individual sign because each was contained within a single continuous perimeter which enclosed the content displayed thereupon; the Initial ZRD1 noted that none of the proposed advertising panels exceed 311 sq. ft. and that all of them would be separated by a twelve-inch gap; and

WHEREAS, the Initial ZRD1 was denied on March 18, 2014; DOB's denial included, *inter alia*, that:

> [Appellant's] request to accept [the proposed configuration of the Subject Assembly] to be in compliance with ZR 32-662, because on each side there are 27 independent signs at 311 SF each, is denied as contrary to ZR 12-10 surface area of a sign definition. Your statement that 12" horizontal & vertical spaces between the 13.12 ft by 10 ft LED panels are creating a grid and perimeter for each sign is inconsistent with the full ZR 12-10 sign surface area definition text & the ZR intent. The surface area of a sign is the 'entire area within a SINGLE CONTINUOUS

1 The applications for each advertising panel on the south-facing vertical plane were filed under Job Nos. 220323843, 220323834, 220323825, 220323816, 220323807, 220323790, 220323781, 220323772, 220323763, 220323754, 220323745, 220323683, 220323674, 220323665, 220323656, 220323647, 220323638, 220323629, 220323610, 220323601, 220323594, 220323585, 220323576, 220323567, 220323558, 220323549, 220323530. The applications for each advertising panel on the north-facing plane were filed under Job Nos. 220323521, 220323512, 220323503, 220323497, 220323488, 220323479, 220323460, 220323451, 220323442, 220323380, 220323371, 220323362, 220323353, 220323344, 220323335, 220323326, 220323317, 220323308, 220323291, 220323282, 220323273, 220323264, 220323255, 220323246, 220323736, 220323727, 220323718. All of the applications are referred to collectively herein as the "DOB Applications."

PERIMETER ENCLOSING THE EXTREME LIMITS OF WRITING, representation, emblem, or any figure of similar character, TOGETHER WITH ANY MATERIAL OR COLOR FORMING AN INTEGRAL PART OF THE DISPLAY OR USED TO DIFFERENTIATE SUCH SIGN FROM THE BACKGROUND AGAINST WHICH IT IS PLACED' The sky or surrounding buildings skyline is the background against which the extreme limits of this sign (with 27 LED panels) is placed & the 12" spaces are integral to the display with a calculated area of 9,164 SF, being 28.5 times larger than allowed… (emphasis in the original); and

WHEREAS, the Appellant appealed the Initial ZRD1 denial to DOB's Technical Affairs Unit, resulting in the January 26, 2015, Final Determination; the Final Determination states, in pertinent part, that:

[Appellant's] request to consider each of the proposed 54 illuminated advertising panels, located on two different vertical planes facing opposite sides of a single supporting pole (27 panels on each side), as individual signs in which the surface area of a sign is measured individually for each panel is hereby denied…

As shown in the submitted plans, 54 illuminated advertising panels are arranged on two separate vertical planes on each side of the supporting pole (27 panels on each vertical plane) such that each vertical plane does not appear to be parallel to each other. Each panel is separated horizontally and vertically from each other within the same vertical plane by a distance of 12 inches. The applicant claims that the 12 inch separation between each panel defines the extreme limits of each panel as an individual sign and that the 'surface area (of a sign)' is calculated individually for each panel, per the ZR 12-10 definition, which states that '[t]he 'surface area' of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed... When two signs of the same shape and dimensions are mounted or displayed back to back and parallel on a single free-standing structural frame, only one of such signs shall be included in computing the total surface area of the two signs…'

However, in the arrangement of panels shown in the submitted plans, the 'extreme limits of each sign' shall be the extreme perimeter of the 27 panels as a whole on each vertical plane. The surface area of all 27 panels on each vertical plane must be calculated as a single sign and the surface area of a single sign must comply with the provisions of ZR 32-622.

Therefore, for the aforementioned reasons, the [Appellant's] request is hereby denied; and

WHEREAS, the Appellant timely filed the subject appeal, challenging the Final Determination; and

PROVISIONS OF THE ZONING RESOLUTION

WHEREAS, the Appellant and DOB agree that the definitions and regulations excerpted below are at issue herein:

ZR § 12-10

Sign

A "sign" is any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trademark), flag, (including banner or pennant), or any other figure of similar character, that:

(a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
(b) is used to announce, direct attention to, or advertise; and
(c) is visible from outside a building.

Sign, advertising

An "advertising sign" is a *sign* that directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same *zoning lot* and is not *accessory* to a *use* located on the *zoning lot*.

Surface Area (of a Sign)

The "surface area" of a *sign* shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such *sign* from the background against which it is placed. In any event, the supports or uprights on which such *sign* is supported shall not be included in determining the *surface area* of a *sign*.

When two *signs* of the same shape and dimensions are mounted or displayed back to back and parallel on a single free-standing structural frame, only one of such *signs* shall be included in computing the total *surface area* of the two *signs*.

When a double-faced *sign* projects from the wall of a *building*, and its two sides are not located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the *surface area* shall include only one of the sides. Any additional side of a multi-faced *sign* shall be considered as a separate *sign* for purposes of computing the total *surface area* of the *sign*; and

ZR § 32-662:

Additional regulations for advertising signs

C6-5 C6-7 C7 C8

In all districts, as indicated, no *advertising sign* shall be located, nor shall an existing *advertising sign* be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a *public park* with an area of one half acre or more, if such *advertising sign* is within view of such arterial highway or *public park*. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets, as "principal routes," "parkways" or "toll crossings," and which have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. Beyond 200 feet from such arterial highway or *public park*, an *advertising sign* shall be located at a distance of at least as many linear feet therefrom as there are square feet of *surface area* on the face of such *sign*….

DISCUSSION

WHEREAS, pursuant to ZR § 32-662, advertising signs located in a C7 zoning district are not permitted within 200 feet of an arterial highway and, beyond 200 feet of an arterial highway, shall be located at a distance of at least as many linear feet therefrom as there are square feet of surface area on the face of such sign; and

WHEREAS, thus, because the Subject Assembly is located 322 linear feet from the New England Throughway, an arterial highway, the surface area of any sign or signs thereupon may not exceed 322 square feet; and

WHEREAS, the Appellant states that the Subject Assembly contains 54 separate advertising panels, 27 of which are mounted on the south-facing vertical plane which is affixed to the monopole base of the structure and 27 of which are mounted on the parallel north-facing vertical plane which is affixed to the monopole base of the structure; the Appellant states that the 27 panels which are mounted on the south-facing plane are parallel and identical in size to the 27 panels which are mounted to the north-facing plane, and also states that the surface area of each advertising panel is between 298 sq. ft. and 310 sq. ft.; and

WHEREAS, thus, the Appellant argues that each of the advertising panels are individual signs that are equal to or lesser in surface area than the maximum permitted and, as such, that the Final Determination was issued in error; and

WHEREAS, DOB maintains that the Subject Assembly is a single sign comprised of the advertising panels, the calculated surface area of which, in the aggregate, is 9,164 sq. ft., or, DOB states, 28.5 times the maximum surface area permitted for an advertising sign at the subject site; and

WHEREAS, as stated, the issue before the Board is whether the Subject Assembly constitutes a single sign; if the Subject Assembly is a single sign, DOB is correct that the aggregate surface area of the advertising panels on both the south-facing and north-facing vertical planes exceeds the maximum surface area permitted for an advertising sign at the subject site, but if, as the Appellant argues, the Subject Assembly is a display comprised of advertising panels each of which is an individual advertising sign, none of the 27 signs on either of the vertical planes violate the applicable surface area regulations, such that the Final Determination should be reversed; and

WHEREAS, the Board notes that pursuant to § 666 of the New York City Charter it has the authority to decide appeals from and review "… any order, requirement, decision or determination of the commissioner of buildings or of deputy commissioner of buildings…" and that such review is *de novo* (*See, e.g.*, BSA Cal. No. 1-10-A, 527 East 86th Street, Manhattan, (decided May 25, 2010) ("pursuant to the City Charter, Appellant may appeal the Order to the Board, and the Board has the authority to review the validity of the Order and the underlying issues *de novo* … it is not bound by any finding or determination of [the issuing agency], nor is any other party")); and

A. THE APPELLANT'S POSITION

WHEREAS, Appellant makes, *inter alia*, the following arguments:

1. The Appellant's Argument that the Final Determination is in Error Because the Surface Area of a Sign is Determined By Measuring the Single Continuous Perimeter Thereof

WHEREAS, the Appellant argues that in issuing the Final Determination, DOB failed to employ the "plain meaning" doctrine with respect to the definition of "surface area (of a sign)"; specifically, the Appellant states that DOB is precluded from giving meaning to the definition of "surface area (of a sign)" beyond that which is included in the Zoning Resolution, and argues that the "surface area (of a sign)" is limited to the "'entire area within a single continuous perimeter enclosing the extreme limits' of an advertisement, together with the color or material that either forms an integral part of the sign, or is used to differentiate an advertisement from the background against which it is placed"; and

WHEREAS, the Appellant states that Final Determination was issued in error because DOB improperly inserted additional language (that relating to the "vertical plane" of the Subject Assembly) into the definition of "surface area (of a sign)," specifically, that:

> The 'extreme limits of each sign' shall be [the] extreme perimeter of the 27 panels as a whole on each vertical plane. The surface area of all 27 panels on each vertical plane must be calculated as a single sign and the surface area of a single sign must comply with the provisions of ZR 32-662; and

WHEREAS, the Appellant also states that the Final Determination is erroneous because DOB omitted the words "single continuous" from the definition of "surface area (of a sign)" when it determined that the surface area of the Subject Assembly included all of the advertising panels on each of the two subject vertical planes notwithstanding, Appellant argues, that such panels are all separated by a gap of 12 inches; and

WHEREAS, as discussed in greater detail, below, a majority of the Board's Commissioners conclude that the Subject Assembly is a sign which contains more surface area than is permitted at the Site, and that, as such, that the Final

Determination is correct; and

2. The Appellant's Argument that the Final Determination is in Error Because it is Inconsistent with Standard DOB Practice and Arguments That DOB has Advanced Before the ECB

WHEREAS, the Appellant states that it is DOB's "well-known practice" to require multiple sign permits for advertising signs that are placed in tandem with less than a one-foot gap between them, even where the sign is meant to be read as one continuous advertisement and is located on a single vertical plane; and

WHEREAS, the Appellant makes reference to a number of cases in which the DOB argued, before the New York City Environmental Control Board (the "ECB"), that multi-panel advertisements, when such panels were separated, were distinct signs and that the surface area for such signs was counted separately; the Appellant argues that DOB is estopped from taking a contrary position with respect to the DOB Applications, as well as from making a contrary argument before the Board; and

WHEREAS, Appellant submitted two affidavits in support of its position that the Final Determination is inconsistent with purportedly established DOB practice, the affidavit of R. Scott Lewis, sworn to on June 19, 2015 (the "Lewis Affidavit"), and the affidavit of Richard Brown, also sworn to on June 19, 2015 (the "Brown Affidavit"); and

WHEREAS, Mr. Lewis, a professional engineer licensed to practice in the State of New York and the principal of R. Scott Lewis, PE, and Mr. Brown, founding principal of the expediting firm D.R. Brown Co., Inc., which specializes in expediting sign permits in New York City, both characterize DOB practice as follows:

> …where there is any distance between signs, be it an inch or 12 inches, and regardless of whether: (i) the aggregate of the signs form one message or multiple messages; (ii) the signs are in the same view plane or different view planes, the practice of DOB is that a separate sign application must be filed for each sign having a single continuous perimeter, as such term is used in the definition of 'surface area' in accordance with Section 12-10 of the Zoning Resolution; and

WHEREAS, the Board notes that in reviewing the issues presented herein *de novo*, it is not evaluating DOB's process in reaching the Final Determination, nor the entire spectrum of its enforcement of the signage regulations contained in the Zoning Resolution, but only whether the Final Determination properly interprets the Zoning Resolution with respect to the Subject Assembly; having concluded that it does, the Final Determination stands; and

3. The Appellant's Response to DOB's Rationale that the Structural Elements of the Subject Assembly Are Dispositive with Respect to Whether the Subject Assembly is a Single Sign or Multiple Signs

WHEREAS, as discussed in greater detail, below, DOB reasons that where a single structure contains multiple elements, "the structure determines the outer-most ability to 'announce, direct attention to, or advertise'" such that "multiple elements on a single structure must be considered one sign for zoning purposes"; and

WHEREAS, the Appellant maintains that DOB's reasoning is inconsistent with and unsupported by the Zoning Resolution in that it creates an exception to the definition of "surface area" where none is provided in the text and is otherwise unsubstantiated; the Appellant also maintains that DOB's structure-based approach in this instance is contrary to DOB practice; and

WHEREAS, the Appellant states that the definition of "surface area (of a sign)" is explicit that "the supports or uprights on which such 'sign' is supported shall not be included in determining the 'surface area' of a 'sign,'" and argues that the use of the word "determine" rather than "calculate" implies that structural elements should not be assessed in any manner when determining surface area; the Board rejects this argument, and takes the position that although "the supports or uprights on which such sign is supported" should not be included in measuring a sign's surface area, the relationship between the elements of a sign and the structure onto which it is mounted is relevant in determining the surface area of such sign; and

WHEREAS, the Appellant notes that the second and third paragraphs of the definition of "surface area (of a sign)" set forth the two enumerated exceptions to the rule that the structure by which a sign is displayed is not a factor in determining the surface area thereof; to wit, "(1) where two signs of the same shape and dimension are displayed back-to-back and parallel on a sign structure; and (2) where a double-faced sign, with identical writing, projects from a building wall in certain circumstances"; the Appellant argues that neither of the two enumerated exceptions are applicable in this instance; and

WHEREAS, the Appellant maintains that any other reading of the definition of "surface area (of a sign)" which turns on the structural elements of a sign invites confusion and is unwarranted in that it contravenes the purported "plain meaning" of the definition in the zoning resolution; and

WHEREAS, the Appellant disputes that DOB is properly interpreting the word "structure" in the context of signage; specifically, the Appellant notes that the word "structure" is incorporated into the definition of "sign," which must be, *inter alia*, "a structure or any part thereof, or […] attached to, painted on, or in any other manner represented on a building or other structure," and argues that the text actually provides two clear and distinct meanings of the word "structure"; the Appellant states that the use of the word "structure" in the first instance (that a sign must be "a structure or any part thereof") unambiguously declares that the word "structure" is the material displaying the message which constitutes the signage, and not that to which such material is mounted; the Appellant continues that the use of the word "structure" in the second instance (that signage may be attached to, painted on, or in any other manner represented on a building or structure) refers to the structural elements supporting the sign, including the "grid" or "frame" which, the Appellant argues "do not contain any

message in and of themselves, and are therefore properly categorized as components of" the structure as used in the second instance; and

WHEREAS, the Appellant concludes that those elements of a signage assembly that support but do not contain the message (in this instance, the monopole or vertical planes to which the advertising panels are attached) have "no relevance to determining where a sign starts and ends, since they are not part of it (no more than a single building would be expected to unite all signs mounted to its surface or façade)"; and

WHEREAS, the Appellant states that, rather than serve as a guidepost to determine whether the surface area of disparate elements on a single frame should be counted in the aggregate to determine compliance with the Zoning Resolution, the "inclusion of the word 'structure' in the 'sign' definition is simply meant to require that a structure be present as part of the installation … in order to subject it to regulation under the Zoning Resolution"; and

WHEREAS, the Appellant cited cases in which it claims that DOB has approved multiple independent signs, each with its own permit and surface area calculations, on single structures, and submitted a second affidavit from Mr. Lewis, sworn to on April 11, 2016 (the "Second Lewis Affidavit"), in which Mr. Lewis states that in his 25 years of relevant experience, the structure of a signage apparatus has not been a factor in the permitting of the relevant sign or the surface calculation thereof; and

WHEREAS, the Board reviewed Appellant's thorough submissions, as well as the Brown Affidavit, the Lewis Affidavit and the Second Lewis Affidavit; the Board finds that the majority of the cases cited therein are distinguishable from the Subject Assembly; the Board also notes that inconsistencies in DOB's enforcement do not necessarily render the Final Determination improper, as it correctly interprets the Subject Assembly as a single sign with a surface area in excess of that which is permitted under the Zoning Resolution; and

4. The Appellant's Argument that DOB's Arguments Are Inconsistent and that Arguments offered by DOB in its January 22, 2016 Submission Are Inadmissible

WHEREAS, the Appellant argues that DOB has, in the time since issuing its first objections to the DOB Applications, proffered a number of rationales for said objections (and, subsequently, the Final Determination); the Appellant continues that "[e]ach was discredited by the Appellant, abandoned by [DOB], and replaced by a new rationale for its original decision"; the Appellant concludes that DOB's "evolving rationales … suggests that it decided not to approve the [DOB Applications] because they didn't 'feel' they were appropriate" and argues that DOB is effectively claiming that the Subject Assembly is "too big and too bright and we don't like it"; the Appellant claims, apparently in response to its own characterization of DOB's protestation, that the Subject Assembly is "too big and too bright," that "[t]he [Subject Assembly is] contextual and appropriate for the subject C7 zoning district" and "compl[ies] with all applicable regulations"; and

WHEREAS, none of the Commissioners credit the Appellant's argument that the Subject Assembly or any signage thereupon is contextual or appropriate for the subject Site; and

WHEREAS, the Appellant states that the Board "must ensure [DOB's] interpretations are consistent for all applications, such that rules can be applied uniformly by plan examiners and understood by property owners," and argues that accepting DOB's rationale that a sign is defined by a common structure "cannot possibly result in plan examiners citywide being able to consistently arrive at an objective conclusion for all applications…"; and

WHEREAS, the Board does not believe that DOB will have trouble uniformly applying its argument that where multiple advertising displays are affixed to a single structure of the type at issue herein, those displays constitute a single sign; the Board does not believe property owners will not be able to understand this interpretation of the relevant provisions of the Zoning Resolution; moreover, the Board notes that it is being called on to evaluate the Final Determination, not to review the entirety of DOB's enforcement policy; and

WHEREAS, the Appellant states that all arguments made by DOB subsequent to the December 8, 2015, hearing on this matter must be disregarded; the Appellant argues that because DOB's response to questions asked by the Board at that hearing, which was the basis for the Board's reopening of this matter on March 22, 2016, was improper, the hearing should have remained closed; specifically, the Appellant argues that the Board asked DOB to provide examples of installations of multiple sign panels which were approved and permitted under one application and that the History Channel Sign and Hotel Empire Sign (both defined below), which were the basis of DOB's response, do not qualify as such; and

WHEREAS, the Board notes that, pursuant to its Rules of Practice and Procedure, the Chair is empowered to "decide all points of order or procedure at public hearings, unless otherwise directed by a majority of the Board in session at that time," and that the Chair's motion to re-open the hearing in order to discuss DOB's February 2015 submission was unopposed; the Board also notes that it does not concur with the Appellant's characterization of DOB's submission of the History Channel Sign and Hotel Empire Sign as non-responsive to its inquiry; and

B. DOB'S POSITION

WHEREAS, DOB makes, *inter alia*, the following arguments:

1. DOB's Argument that the Subject Assembly Constitutes a Single Sign because it Creates One Coordinated Visual Message

WHEREAS, DOB states that the surface area of a sign is measured by calculating the length times width of the entire space between the "extreme limits of writing, [or] representation," and argues that with respect to the Subject Assembly, the extreme limits of such writing or representation include not only all of the advertising panels on either the south- or north-facing visual planes of which the Subject Assembly is comprised, but also the 12-inch separation between such panels; and

WHEREAS, DOB argues that the foregoing is owing to the ability of the operator of the Subject Assembly to

coordinate all of the advertising panels thereupon to create "one coordinated visual message," which, DOB maintains, results in the viewer losing the significance of the 12-inch separation between the advertising panels; and

WHEREAS, DOB states that with the inclusion of the 12-inch separation the aggregate surface area of each of the vertical planes is approximately 9,164 sq. ft., which exceeds the maximum permitted surface are for an advertising sign at the subject site by 28.5 times; and

2. DOB's Argument that A Sign is Defined by the Structure that Directs Attention, Announces, or Advertises

WHEREAS, DOB maintains that the definition of "surface area (of a sign)" cannot be used to determine whether the Subject Assembly constitutes a single or multiple signs, but rather the definition of "sign" is dispositive as to whether the Subject Assembly constitutes a sign; DOB maintains further that if, upon determining whether the Subject Assembly constitutes a sign, only then is the definition of "surface area (of a sign)" dispositive with respect to its maximum permitted size; and

WHEREAS, DOB notes that "structure" is not a defined term in the Zoning Resolution, but refers to the Merrian-Webster definition, to wit, "something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually sands on its own"; and

WHEREAS, DOB states that the typical sign structure is a "a grid of interlocking horizontal and vertical supports" regardless of how many individual pictorial representations or writing are mounted thereupon; and

WHEREAS, DOB continues that the Zoning Resolution defines "sign" with respect to "structure" as "a structure determines the outer-most ability to 'announce, direct attention to, or advertise,'" and, as such, multiple elements on a single structure must be considered one sign for zoning purposes; and

WHEREAS, DOB notes that, at the time the Zoning Resolution definition of "sign" was adopted, in 1961, a typical advertising sign was:

> … a large rectangular grid attached to a monopole. Within that grid, multiple letters and pictorial representations would be attached, often separated by spaces between the letters or pictorial representations. Together, these letters and pictorial representations were designed to direct attention to viewers passing by on the highways. Notwithstanding that individual elements hung on the grid were separated by open space, these grids were always considered single signs; and

WHEREAS, DOB continues that with respect to the Subject Assembly, the advertising panels on each of the two vertical planes are "merely a modern form of the same concept – multiple writings and pictorial representations on a single sign structure that, together, form one 'sign' for zoning purposes"; and

WHEREAS, DOB provided two recent examples of its enforcement consistent with its understanding that "all elements within a grid attached to a supporting sign structure [are] a single 'sign,' notwithstanding the space between the elements," the "History Channel" sign, located at 20 Bruckner Boulevard, in the Bronx (the "History Channel Sign"), and the "Hotel Empire" sign, which is located at 44 West 63rd Street, in Manhattan (the "Hotel Empire Sign"); and

WHEREAS, with respect to the History Channel Sign, DOB states that in 2014, the agency received a Zoning Resolution Determination Request seeking clarification on the limits for the replacement of a pre-existing advertising sign which was initially a three-element sign for Knickerbocker Beer and was subsequently replaced by a multi-element sign for The History Channel; DOB states that in response to the 2014 Zoning Resolution Determination Request, the agency reasoned that the History Channel Sign is a "single illuminated advertising sign," which could consist of "'a single graphic element' or 'a number of separate, non-contiguous graphic components"; DOB notes that consistent with the foregoing, "all of the components of any new sign could be no greater than the elements on the existing non-conforming advertising sign"; and

WHEREAS, with respect to the Hotel Empire Sign, DOB states that in 2015, a Zoning Resolution Determination Request was submitted to the agency for the purpose of determining the limits for the replacement of two "separate, identical, pre-existing, non-conforming accessory-use signs for the Hotel Empire"; DOB claims that the Applicant stated in the 2015 Zoning Resolution Determination Request that "'[e]ach Sign consists of two eight-foot high components … separated by six feet in which the Sign's structure is visible'"; DOB notes that the Hotel Empire Sign also included "space between each of the letters within each" element of that sign; DOB concluded that the disparate elements of the Hotel Empire Sign constituted a single sign the surface area of which could not increase; and

WHEREAS, DOB states that the Subject Assembly is "one interconnected structure of at least three horizontal cross arms and at least ten vertically-placed rods that support all 27 LED panels [on each of the Subject Assembly' two vertical planes]"; and

WHEREAS, DOB argues that just as the History Channel Sign and the Hotel Empire Sign were understood to be a single sign because the elements of those signs were mounted on a single structure, so too must "the writings or pictorial representations hung on Appellant's grid-like structure … be understood to form one [s]ign"; and

WHEREAS, in response to the Appellant's contention that the History Channel Sign and Hotel Empire Signs are pre-existing non-conforming uses and, therefore, irrelevant to the issue of whether the Subject Assembly constitutes a single sign, DOB states that "[t]he determination that the multiple elements [of those signs] each constitute one sign is based on the fact that, in each case, a single interconnected structure supports the writings or pictorial representations that, together, announce, direct attention to or advertise" and argues that the Subject Assembly "is similarly designed to support all 27 panels … that together will be used to advertise one shopping mall, or one product, etc."; and

WHEREAS, DOB also argued that the instances in which the Department has found multiple structures attached to

a monopole to be separate signs are distinguishable from the Subject Assembly; and

WHEREAS, for instance, with respect to signs and sign structures located at 352 West 13th Street and 620 11th Avenue, in Manhattan, for which DOB issued multiple sign permits at each location, DOB maintains that the grids attached to the pole structures at those locations "are designed to support two separate billboards each with defining backgrounds. Therefore, they appropriately received two sign … permits, and would also qualify as separate zoning 'Signs'"; and

WHEREAS, DOB argues further that structural grid which supports the single-sign History Channel Sign and Hotel Empire Sign "is conceptually identical and structurally similar to each of the two grids that are separately attached to the pole structures at 352 West 13th Street and 620 11th Avenue"; and

C. DEPARTMENT OF CITY PLANNING'S POSITION

WHEREAS, as noted above, the Department of City Planning ("DCP") states that it supports DOB's position; and

WHEREAS, specifically, by letter dated September 30, 2015, DCP states that it agrees with DOB's conclusion in the Final Determination that:

> …in the arrangement of the panels shown in the submitted plans, the 'extreme limits of each sign' shall be the extreme perimeter of the 27 panels as a whole on each vertical plane. The surface area of all 27 panels on each vertical plane must be calculated as a single sign and the surface area of a single sign must comply with the provisions of ZR 32-662; and

WHEREAS, DCP's September 20, 2015, letter continues that "[i]t is clear that the panels visually create one sign regardless of whether they advertise the same or different products"; and

WHEREAS, DCP's September 20, 2015, letter notes that:

> It is also clear that the regulations regarding the size of advertising signs visible from arterial highways were meant to limit the level of distraction to drivers and the visual pollution that can be caused by such signs. The size limitations are coordinated with the distance from the highway and is meant to be proportional to that distance. Such distance is not changed or mitigated by designing the sign with a narrow grid of space between the adjacent panels; and

WHEREAS, moreover, by second letter dated March 21, 2016, DCP wrote "to reiterate its support of the [DOB's] Final Determination"; and

WHEREAS, specifically, DCP's March 21, 2016, letter refers to the ZR 12-10 definition of *Surface Area (of a sign)*, and states that:

> DCP believes that it is clear that the panels visually create on sign regardless of whether they advertise the same or different products. The 12 inches of space between the panels is not wide enough to be perceived from the distance of the highway, or certainly any other practical distance, as separate signs. Although the Zoning Resolution does not set a limit as to the amount of white space or unmarked space between elements on signs, the common sense approach directed by the definition of surface area in the Zoning Resolution, and followed by DOB and DCP in interpreting sign regulations, is that separate elements that comprise a whole sign, and are perceived as a whole, are meant to be considered a single sign. In the case of many signs around the city that specifically consist of separate elements such as letter and images, including large rooftop signs such [as] Jet Blue, Pepsi, or the Silvercup signs where each letter or element is mounted adjacent to each other with significantly more space between them than 12 inches, the sign is still perceived as a whole and is considered one sign. Grid systems are familiar organizational principles and any sign consisting of a representation of letters, images or a message within a grid would be perceived as a message, and therefore one sign. A grid with open or blank space in between which visually create the grid, would need to set the squares so far apart that the eye does not perceive it within the same space, or at the same time; and

D. CONCLUSION

WHEREAS, the Board notes that DOB has been inconsistent in its analysis of surface area calculations and in determining whether separate sign panels mounted to a single structure are multiple signs or a single sign, and also notes that the signage regulations contained within the Zoning Resolution are inadequate to meet the challenges posed by modern signage technology; and

WHEREAS, notwithstanding the foregoing, a majority of the Board finds that the Subject Assembly is a single sign the surface area of which greatly exceeds that which is permitted at its location, and, as such, the Final Determination is affirmed and the subject appeal is denied; and

WHEREAS, as explained more fully below, the Board concludes that the advertising panels on each of the vertical planes of the Subject Assembly are akin to the disparate sign elements affixed to the structural grids of the History Channel Sign and the Empire Hotel Sign, such that, notwithstanding the fact that the advertising panels are separated by a space of 12 inches, their surface area must be calculated in the aggregate, and the outer-most boundaries of the common structure to which they are affixed constitutes the extreme limit of the representation(s) or writing(s) which constitutes the display shown thereupon; and

WHEREAS, all of the Commissioners agree that the Subject Assembly is a clear hazard to motorists on the New England Throughway (an arterial highway) and, by virtue of its size, degree of illumination, and close proximity to a dense residential development, a potentially significant nuisance; the Board notes DCP's September 20, 2015, letter and concurs with that agency that "the regulations regarding the size of advertising signs visible from arterial highways were meant to limit the level of distraction to drivers and the

visual pollution that can be caused by such signs," and notes further that such public policy is a factor in its decision herein (*See*, BSA Cal. No. 134-13-A, 538 10th Avenue, Manhattan (decided October 22, 2013) ("the Board notes that the policy objectives of restrictions on signs near arterial highways include reducing driver distraction and beautifying public spaces, and the Board finds that the … [s]tandard furthers both objectives"); BSA Cal. No. 278-13-A, 121 Varick Street, Manhattan (decided July 21, 2015) (noting that the standard adopted by the Board in that case "furthers the intent of the arterial highway restrictions on signs…")); the Board also notes DCP's September 20, 2015, statement that such impact is not "changed or mitigated by designing the sign with a narrow grid of space between adjacent panels"; and

WHEREAS, moreover, as the Commissioners discussed at hearing, under the Appellant's reasoning, the Subject Assembly could be enlarged *ad infinitum*, such that, provided each advertising panel was smaller than 322 square feet of surface area and located no fewer than 12 inches apart from its adjacent advertising panel, the aggregate size of the Subject Assembly could easily reach 30,000 sq. ft., or more, clearly an absurd result not contemplated or sanctioned by the Zoning Resolution; and

WHEREAS, the Board's decision in this matter, however, does not turn on public policy alone; and

WHEREAS, at hearing, the Commissioners discussed the significance of the 12-inch gap between the advertising panels, and whether such gap was sufficient to render the Subject Assembly an installation comprised of a series of signs, all of which are within the surface area limits applicable at the site, rather than a single sign the surface area of which is in excess of that which is permitted; and

WHEREAS, the Commissioners also discussed whether and to what extent the definition of "surface area (of a sign)" was dispositive in determining whether the Subject Assembly was a single sign, specifically the language relied on by the Appellant that "the "surface area" of a sign shall be the entire area within a *single continuous perimeter* enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such *sign* from the background against which it is placed"; and

WHEREAS, a minority of the Commissioners found that the definition of "surface area (of a sign)" suggested, by reference to a "*single continuous* perimeter," that the Subject Assembly, because of the 12-inch gaps between the advertising panels, was comprised of multiple signs; and

WHEREAS, other Commissioners found the opposite to be true; specifically, that reference to the "*extreme limits* of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display" necessarily includes all of the panels mounted on a single structure, a rationale reflected in DCP's March 21, 2016, letter, which states that "separate elements that comprise a whole sign, and are perceived as a whole, are meant to be considered a single sign"; and

WHEREAS, moreover, a majority of the Commissioners concurred with the Chair's conclusion that the Zoning Resolution definition of "sign" gives no guidance whatsoever as to whether disparate elements on a single structure or grid constitute a single sign or many signs; and

WHEREAS, the majority of the Commissioners find that because the advertising panels on the Subject Assembly will display, independently and together (as programmed), writings, pictorial representations, emblems, flags, or other figures of similar character, and will (1) be attached to a structure, (2) be used to announce, direct attention to, or advertise, and (3) be visible from outside a building, they constitute at least one sign; and

WHEREAS, the majority of the Board also concludes that the advertising panels are a single sign, and not multiple signs, because they are affixed to a single structure, as are, for example, the elements which make up the History Channel Sign and the Empire Hotel Sign, and not to multiple structures, as are, for instance, the signs located at 352 West 13th Street and 620 11th Avenue (which have multiple structures affixed to a single pole); and

WHEREAS, in agreeing with DOB's structure-based conclusion that the advertising panels on each of the vertical planes constitute a single sign, the Chair explained that at the time the definition of "surface area (of a sign)" was enacted, the Zoning Resolution contemplated that a sign would be erected upon a single free-standing structural frame, as is the case with the Subject Assembly, implicitly recognizing that the structural frame demarcates the extreme limits of the representation contained thereupon; and

WHEREAS, the definition of "surface area (of a sign)" also makes clear that the surface area of the Subject Assembly is calculated based upon only one of the vertical planes; and

WHEREAS, in hearing, the Commissioners discussed whether the 12-inch gaps between the advertising panels necessarily rendered the Subject Assembly a group of individual signs, rather than a single sign; the Board concludes that the size of the gaps between the advertising panels is not dispositive as to whether one or many signs are contained in the Subject Assembly, not only because that standard is too subjective but also because it is not suggested in the text; conversely, the fact that all of the advertising panels, like the elements on the History Channel Sign and Hotel Empire Sign, are on the same structural frame suggests a single sign and is consistent with the Zoning Resolution; and

WHEREAS, with respect to the surface area of each of the vertical planes, the majority of the Commissioners concur with DOB that the structural grid or frame to which the display elements of a sign are mounted is the proper denominator by which the "*extreme limits* of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display" can be determined; and

WHEREAS, thus, the surface area of the Subject Assembly, a single sign, exceeds that which is allowed

under ZR § 32-662; and

WHEREAS, the Board notes the novelty of the case before it; specifically (1) that the applicable zoning regulations for signage are uniquely permissive in C7 zoning districts, which are uncommon and only in the present case adjacent to arterial highways; and (2) that the Subject Assembly is distinct from other multi-panel advertising displays in that, because it is mounted back-to-back and parallel on a single, free-standing structural frame, its configuration is similar to the rooftop and back-to-back billboard signs that existed at the time the relevant provisions of the Zoning Resolution were enacted (thus the relevance of the text of those provisions is clear notwithstanding the technological advancements of the signage); and

WHEREAS, a minority of the Commissioners articulated their concern that a relatively insignificant structural reconfiguration of the Subject Assembly (in which each advertising panel would be mounted to an individual structure, rather than a shared structural grid) would render it multiple signs, and not a single sign, and suggested that the Appellant's ability to circumvent the Board's determination herein merely by reconfiguring the Subject Assembly undermines the validity of such determination; the Board, however, cannot reach a determination as to any signage assembly other than that which is the subject of this appeal; and

WHEREAS, for the reasons set forth above, the Board finds that the Subject Assembly is a sign which exceeds the applicable surface area regulations; and

Therefore it is Resolved, that the subject appeal, seeking a reversal of the Final Determination, dated January 26, 2015, is hereby *denied*.

Adopted by the Board of Standards and Appeals, May 3, 2016.

218-15-A

APPLICANT – Eric Palatnik, P.C., for Anthony Guglieri, owner.

SUBJECT – Application September 10, 2015 – Proposed construction of a four story, five dwelling unit, mixed use building (office and residential) on a lot that is partially located within the bed of a mapped street contrary to Article 3 Section 35 of the General City Law. C4-2 Zoning District.

PREMISES AFFECTED – 428 St. Marks Place, between Hyatt Street and Victory Boulevard, Block 016, Lot 119, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated August 26, 2015 acting on DOB Application No. 520233961, and reads in pertinent part:

> Proposed construction located partly within the bed of a mapped street is contrary to Section 35 of the General City Law. Obtain Board of Standards and Appeals approval;
>
> Proposed new building has non-compliant front, side and rear yards, resulting from the location of such mapped street. Obtain Board of Standards and Appeals waiver pursuant to ZR 72-01(g); and

WHEREAS, this is an application to permit the development of a four-story mixed use building on a lot that is located partially within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 22, 2016, after due notice by publication in *The City Record*, and then to decision on May 3, 2016; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application subject to a condition that garbage be stored inside the building until pick-up; and

WHEREAS, the subject site is located on the west side of St. Marks Place, between Hyatt Street and Victory Boulevard, in a C4-2 zoning district, in the Special St. George District, on Staten Island; and

WHEREAS, the site has approximately 25 feet of frontage along St. Marks Place, 2,125 sq. ft. of lot area and is currently improved with a residential building that will be demolished to accommodate the development of the subject proposal; and

WHEREAS, a portion of the premises is within the bed of a mapped but unbuilt portion of Victory Boulevard Extension; and

WHEREAS, the applicant proposes to construct a four-story building with office space (Use Group 6B) on the first floor and five residential uses on the second through fourth floors; and

WHEREAS, under the subject proposal, 73 percent of the building will be constructed within the bed of the mapped but unbuilt portion of Victory Boulevard Extension; and

WHEREAS, the applicant represents that the proposed building must be partially located within the bed of the mapped but unbuilt portion of Victory Boulevard Extension in order to be consistent and in alignment with other building frontages on the street; and

WHEREAS, the applicant further represents that an as-of-right building, constructed only within the portions of the lot that are not in the bed of the mapped but unbuilt portion of Victory Boulevard Extension, would include such inadequate square footage as to be financially infeasible; and

WHEREAS, the applicant submits that the City has not sought to condemn or develop other nearby privately owned portions of Victory Boulevard Extension and, thus, it is not anticipated that the City will take such action with regards to the subject premises; and

WHEREAS, by letter dated February 1, 2016, the New

York City Department of Environmental Protection ("DEP") states that there are no existing sewers or water mains at the subject premises, that Drainage Plan No: PRD-2D, Sheet 8 of 9, dated November 21, 1973 shows two 10-inch diameter sanitary and 12-inch diameter storm sewers in the bed of Victory Boulevard Extension between Montgomery Avenue and St. Marks Place and future 10-inch diameter sanitary and 18-inch diameter storm sewers in St. Marks Place, that the subject lot is fronting an existing 20-inch diameter combined sewer in St. Marks Place, and that the DEP has no objections to the subject application; and

WHEREAS, by letter dated February 4, 2016, the Fire Department states that it has no objections to the subject application; and

WHEREAS, by letter dated March 24, 2016, the New York City Department of Transportation ("DOT") states that Victory Boulevard Extension between St. Marks Place and Montgomery Avenue to mapped at 100 feet, that the City does not have title, and that the improvement of Victory Boulevard Extension at the subject premises is not presently included in the DOT's Capital Improvement Program; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board additionally notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non-compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the streets were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated August 26, 2015 acting on DOB Application No. 520233961, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decisions noted above *on condition* that construction will substantially conform to the drawings filed with the application marked "Received April 13, 2016"–One (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of four (4) years, to expire May 3, 2020;

THAT trash shall be stored indoors;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT a sprinkler application for the development shall be filed under a separate application and approved by DOB;

THAT DOB shall review the covered patio for compliance with the NYC Building Code and NYC Zoning Resolution;

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

106-15-A & 107-15-A
APPLICANT – Eric Palatnik, P.C., for Evan Zhang, owner.
SUBJECT – Application May 12, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 /36 of the General City Law. R4-1 zoning district.
PREMISES AFFECTED – 42-29 & 42-31 149th Street, Block 5380, Lot(s) 12, 13, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for deferred decision.

ZONING CALENDAR

297-13-BZ
CEQR #14-BSA-064K
APPLICANT – Sheldon Lobel, P.C., for 308 Cooper LLC, owner.
SUBJECT – Application October 25, 2013 – Variance (§72-21) to permit the development of a three-story, six-unit residential building, contrary to use regulations (§42-10). M1-1 zoning district.
PREMISES AFFECTED – 308 Cooper Street, east side of Cooper Street at the corner of Cooper Street and Irving Avenue, Block 3442, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #4BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....3
Negative:.....0
Abstain: Chair Perlmutter and Commissioner Chanda 2
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated September 25, 2013, acting on Department of Buildings Application No. 320775014, reads in pertinent part:

> "As per ZR 42-10, Use Group 2 is not permitted as-of-right"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site located within an M1-1 zoning district, the construction of a three-story plus cellar Use Group 2 residential building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on March 4, 2014, after due notice by publication in *The City Record*, with continued hearings on April 8, 2014, May 13, 2014, July 15, 2014 and September 9, 2014 the case was taken off-calendar. On May 3, 2016, the case was reopened and then to decision on that same date; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 4, Brooklyn, recommends disapproval of this application; and

WHEREAS, the subject premises are located on the southeast corner of Cooper Street and Irving Avenue, in an M1-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 25 feet of frontage along Cooper Street, 80 feet of frontage along Irving Avenue, 2,000 sq. ft. of lot area, and is currently unimproved; and

WHEREAS, the subject lot was formerly, along with the adjacent Lot 137 which has approximately 20 feet of frontage along Irving Avenue and a depth of 25 feet, part of a larger lot measuring 25 feet by 100 feet, with frontages along Cooper Street and Irving Avenue ("Former Lot 37"), but was subdivided to its current dimensions sometime between 1977 and 1983; and

WHEREAS, the subdivided lots were subsequently sold by the City of New York to separate owners and have since remained under separate ownership; and

WHEREAS, the applicant submits that the subject site was previously improved upon with a three-story mixed use building with commercial use on the ground floor and residential units on the remaining floors, but that such building was abandoned, fell into disrepair and was demolished in or around 2007; and

WHEREAS, the subject application is for construction of a three-story plus cellar building with six residential units (three two-bedroom units and three three-bedroom units), 5,998 sq. ft. of floor area, a floor area ratio ("FAR") of 3.0, base height of 31'-6" and a total height of 39'-6"; and

WHEREAS, such a use is not permitted in an M1-1 zoning district as of right, the applicant seeks a waiver of ZR § 42-10; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the narrow width, shallow depth, and total lot area of the subject lot provides a floorplate that is inadequate for conforming manufacturing use; predominance of residential uses in the vicinity of the subject site; the vacancy of the site; and the lack of adjacent lots with which to merge create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations; and

WHEREAS, specifically, the applicant asserts that, of the 72 total nearby lots within an M1-1 or M1-4 zoning district and bound by Schaeffer Street to the west, Wyckoff Avenue to the north, the Evergreens Cemetery to the east and Knickerbocker Avenue to the south (an area approximately within 400 feet of the premises, the "Survey Area"), 21 lots (29 percent) have a conforming manufacturing use, the average lot size for the 21 lots is more than 19,000 sq. ft., and the subject lot is one of only 2 of those 21 lots with less than 2,000 sq. ft. of lot area; and

WHEREAS, additionally, the applicant submits that the subject site, which is vacant, is not adjacent to another vacant lot with which it can merge so as to provide a floor plate sufficient to sustain a conforming manufacturing use; and that the subject site is one of only 6 sites within the Survey Area that is vacant, has less than 2,250 sq. ft. of lot area and is not adjacent to another vacant lot or lot currently used for parking; and

WHEREAS, finally, the applicant states that the direct adjacency of the subject site to 6 attached multi-family dwellings, with additional multi-family dwellings across the street, compound the hardships associated with the site's small size and inability to be merged with other lots in developing the site with a conforming manufacturing use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create unnecessary hardships and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in the conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) a one-story, 2,000 sq. ft. floor area building for industrial use (the "As-of-Right Development"), (2) a two-story, four-unit residential building (the "Alternate Residential Scenario"), and (3) the subject proposal; and

WHEREAS, the applicant represents that only the subject proposal would provide a reasonable return; and

WHEREAS, the applicant states that in both the As-of-Right Development and Alternate Residential Scenario, the realizable income for the development is less than the cost of construction and, therefore, unviable, but that the subject proposal, though it has greater development costs, is able to yield a modest positive return because of the number and mix of residential units provided; and

WHEREAS, upon review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposal will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, in support of that assertion, the applicant submits that the site was previously occupied by a mixed-use commercial and residential building and, thus, the subject proposal will restore such use to the premises; that the subject site is adjacent to, and across the street from, multi-family residences; and that residential uses predominate in the surrounding area; and

WHEREAS, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment (EAS) CEQR No. 14BSA064K, dated October 25, 2013; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the New York City Landmarks Preservations Commission's ("LPC") Environmental Review of the proposal indicated that the site has no architectural or archaeological significance; completed an environmental review of the subject proposal and determined that it does not affect a site with any architectural or archaeological significance; and

WHEREAS, the Board recommends that an "E" designation for hazardous materials be placed on the site as part of the approval; and

WHEREAS, the "E" designation requires an environmental review by the New York City Office of Environmental Remediation ("OER"), which must be satisfied before DOB will issue building permits for the property; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site located within an M1-1 zoning district, the construction of a three-story plus cellar Use Group 2 residential building, contrary to ZR § 42-10, *on condition* that all work will substantially conform to drawings filed with this application marked "Received March 25, 2014"-Eleven (11) sheets; and *on further condition*:

THAT an E designation (E-380) is placed on the site to ensure proper hazardous materials remediation;

THAT the above conditions shall be listed on the

Certificate of Occupancy;

THAT prior to DOB's issuance of any building permit, OER shall issue a Notice to Proceed or a Notice of No Objection pursuant to the site's E designation (E-380);

THAT prior to DOB's issuance of a Certificate of Occupancy, OER must issue a Notice of No Objection or a Notice of Satisfaction;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by May 3, 2020;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

329-14-BZ

APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.

SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.

PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 30, 2016, acting on DOB Application No. 320917022, reads in pertinent part:

1. ZR 23-141: Proposed plans are contrary to Zoning Resolution Section 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. ZR 23-461: Proposed plans are contrary to Zoning Resolution Section 23-461 in that the proposed side yard is less than the minimum required;
3. ZR 23-47: Proposed plans are contrary to Zoning Resolution Section 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R4-1 zoning district, the proposed enlargement of an existing single-family semi-detached home that does not comply with the zoning requirements for floor area, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on February 2, 2016, after due notice by publication in *The City Record*, with continued hearings on March 22, 2016, and April 26, 2016, and then to decision on May 3, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Avenue S, between East 13th Street and East 14th Street, in an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along Avenue S and 2,000 sq. ft. of lot area; and

WHEREAS, the site is improved with a two-story plus attic single-family residence with approximately 1,929 sq. ft. of floor area and a floor area ratio ("FAR") of 0.96; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single*- or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to enlarge the building to 2,427 sq. ft. of floor area (1.21 FAR), maintain the existing non-complying 3'-8" side yard, and reduce the existing 30'-5" rear yard to 23'-0"; and

WHEREAS, at the subject premises, the maximum floor area permitted is 1,500 sq. ft. pursuant to ZR § 23-141(b), the maximum FAR permitted is 0.75 pursuant to ZR § 23-141(b), the minimum side yard required is 4'-0" pursuant to ZR § 23-461(b) and (c); and a minimum 30'-0" rear yard is required pursuant to ZR § 23-47; and

WHEREAS, with regards to the proposed 1.21 FAR, the applicant submits that the rear lot line of the subject premises abuts an R5 zoning district where the maximum FAR permitted, pursuant to ZR § 23-141(b), is 1.25; and

WHEREAS, in response to the Board's questions concerning the reduction of the rear yard and character of the surrounding area, the applicant provided a rear yard study of the subject block demonstrating that four of the nine other buildings on the south side of Avenue S have rear yards of a depth less than 30'-0", ranging from 13'-0" to 23'-0", and that two of those buildings have rear yards that are less than the 23'-0" rear yard proposed in the subject application; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R4-1 zoning district, the proposed enlargement of an existing single-family semi-detached home that does not comply with the zoning requirements for floor area, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 4, 2016"-Ten (10) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 2,427 sq. ft. of floor area (1.21 FAR), a side yard with a minimum width of 3'-8", and a rear yard with a minimum depth of 23'-0", all as illustrated on the BSA-approved plans;

THAT DOB shall review compliance of front open area, landscaping requirements, curb cut, garage entry and slope into garage;

THAT DOB shall determine the acceptability of the front yard depth with respect to parking;

THAT cellar interior partitions are to be added subject to DOB approval;

THAT porches shall be added subject to DOB approval;

THAT the applicant shall maintain existing walls as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 3, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

57-15-BZ
CEQR #15-BSA-175K

APPLICANT – Eric Palatnik, P.C., for Yossi Toleando, owner.

SUBJECT – Application March 13, 2015 – Variance (§72-21) to permit the development of a three-story, three family residential and to waive the side yard open space of the existing premises. R5/C1-3 zoning district.

PREMISES AFFECTED – 482 Logan Street, between

Pitkin Avenue and Belmont Avenue Block 04227, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings, dated March 14, 2016, with regards to the subject site reads in pertinent part:

1) Proposed construction of a new three story and cellar, two family residential building (U.G. 2) in an R5/C1-3 district, does not provide the required 8' side yard open area along its lot line, which is a district boundary line that coincides with a side lot line of an adjacent lot in an R5 district as per ZR 34-233;
2) Proposed construction of a new three story and cellar, two family residential building (U.G. 2) on a 2,000 square foot lot is contrary to the minimum lot area requirements of ZR 23-32; and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R5 (C1-3) zoning district, the construction of a three story plus cellar two-family residential building, contrary to ZR §§ 34-233 and 23-32; and

WHEREAS, a public hearing was held on this application on December 12, 2015, after due notice by publication in *The City Record*, with continued hearings on February 2nd, 2016 and April 5, 2016, and then to decision on May 3, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 5, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Logan Street, between Pitkin Avenue and Belmont Avenue, in an R5 (C1-3) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along Logan Street, 2,000 sq. ft. of lot area, and is currently vacant; and

WHEREAS, the applicant proposes to develop the subject site with a three-story, two-family residence with 2,916 sq. ft. of floor area and a floor area ratio ("FAR") of 1.46, a 2'-0" side yard on the south side of the property, a 0'-0" side yard on the north side of the property, and accessory parking spaces for two cars; and

WHEREAS, pursuant to ZR § 23-32, a minimum of 3,800 sq. ft. of lot area is required for the development of a two-family detached or zero lot line residence in an R5 zoning district; and

WHEREAS, additionally, pursuant to ZR § 34-233(b), an open area not higher than curb level with a width of at least 8'-0" is required because the south side lot line of the subject premises coincides with the boundary of an R5 (C1-3) zoning district and an R5 zoning district; and

WHEREAS, the applicant represents that developing a residence on the subject lot, which is only 20"-0" wide, in compliance with ZR § 34-233(b) would result in an uninhabitable building, only 12'-0" wide; and

WHEREAS, therefore, in order to develop the property as proposed, the applicant seeks a waiver for the minimum lot area requirements of ZR § 23-32 and the side yard open space requirements of ZR § 34-233(b); and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: (1) the narrowness of the lot and (2) the location of the subject site relative to the district boundary line separating a commercial zoning district from a residential zoning district such that the district boundary line coincides with a side lot line; and

WHEREAS, the applicant has provided the Board with a uniqueness study demonstrating that of the 34 properties located on the boundary of commercial zoning districts and residential zoning districts mapped along Pitkin Avenue and within 1,000 feet of the subject premises, 22 properties are bisected by the district boundary line to which ZR § 34-233(b) is inapplicable, 9 properties are improved upon by pre-1961 buildings built to the side lot line, and of the three remaining lots, the subject lot is the most narrow of the remaining three lots and the only one of the three that is currently vacant; and

WHEREAS, per ZR § 72-21(b), the applicant represents that development of the property in accordance with the provisions of the Zoning Resolution would result in a building that would be so narrow as to be unmarketable and submits that alternatively developing the lot with either a commercial or mixed use building would require compliance with 8'-0" open space requirements along the south side lot line set forth in ZR §§ 33-291 or 35-54, respectively, and that, as is the case under the subject proposal, development of such a narrow commercial or mixed use building in compliance with these sections would be impractical; and

WHEREAS, the applicant has provided the Board with evidence that no comparable sales of 12'-0" wide residences in the area exist with which to compare an as-of-right residential development on the subject lot; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that the area surrounding the subject lot predominantly consists of residential uses, that Pitkin Avenue consists of a mix of

residential, commercial, light manufacturing and community facility uses and so development of a residential building on the subject site would be in keeping with the character of the neighborhood; and

WHEREAS, with regards to the accessory parking space proposed in front of the subject development, the applicant submits that such space is permitted in the zoning district and that a number of homes in the area provide such parking spaces in their front yards such that provision of the accessory parking space as proposed will not alter the essential character of the neighborhood; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but was due to the peculiarities of the site; and

WHEREAS, the Board also finds that this proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR, Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA175K, dated March 13, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, in an R5 (C1-3) zoning district, the construction of a three story plus cellar two-family residential building, contrary to ZR §§ 34-233 and 23-32; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 12, 2016"— nine (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: side yards of a minimum width of 2'-0" and 0'-0", as indicated on the BSA-approved plans;

THAT DOB shall verify that the location of the accessory parking space complies with ZR §§ 25-621(b) and 23-44(a)(14);

THAT DOB shall approve planting under stairs;

THAT the cellar shall be an accessory use in conjunction with the first floor apartment, shall not be used for living or sleeping purposes and shall not be rented independently;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

188-15-BZ
CEQR #16-BSA-018M

APPLICANT – Sheldon Lobel, P.C., for 100 West 72nd Street Associates, LLC, c/o Robert C. Quinlan, owner.

SUBJECT – Application August 17, 2015 – Special Permit (§73-36) to permit a Physical Culture Establishment (*Miccass/Momemtum Fitness*) in the cellar level of the premises. C4-6A zoning district.

PREMISES AFFECTED – 100 West 72nd Street, southwest corner of West 72nd Street and Columbus Avenue, Block 1143, Lot 7503, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 6, 2016, acting on Department of Buildings Application No. 122459437, reads in pertinent part:

> "Proposed 'Physical Culture Establishment' is not permitted As-Of-Right as per section ZR 32-10 and a special permit by the Board of Standards and Appeals (BSA) is required to comply with ZR 32-10"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-6A zoning district, the operation of a physical culture establishment (PCE) contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 26, 2016, after due notice by publication in *The City Record*, and then to decision on May 3, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 7, Manhattan, recommended approval of this application; and

WHEREAS, the subject site is located at the corner of West 72nd Street and Columbus Avenue, in a C4-6A zoning district, in the Upper West Side/Central Park West Historic

District, in Manhattan; and

WHEREAS, the site has approximately 50 feet of frontage along West 72nd Street, 102 feet of frontage along Columbus Avenue, 5,109 sq. ft. of lot area, and is improved upon with a seven-story mixed-use residential and commercial building; and

WHEREAS, the PCE will occupy 6,485 sq. ft. of floor area in the cellar level of the building and be accessible by elevator and stairway from the ground floor entrance to the building on Columbus Avenue; and

WHEREAS, the building otherwise contains commercial tenants on the ground floor and residential units on floors two through seven; and

WHEREAS, the subject PCE space will be operated by both Miccass Physical Therapy, PC and Momentum Fitness, LLC, with Miccass Physical Therapy, PC sub-leasing a portion of the space to Momentum Fitness, LLC; and

WHEREAS, the space will provide fitness rehabilitation to physical therapy patients as well as space for personal training and include areas for small group fitness classes, aerobics, weight lifting, and cardiovascular exercises; and

WHEREAS, the space will additionally include areas for reception, assessment, a staff lounge and massages; and

WHEREAS, the proposed hours of operation are Monday through Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 3:00 p.m. and Sunday 8:00 a.m. to 2:00 p.m.; and

WHEREAS, with regards to sound attenuation measures, the applicant represents that 7.5mm-thick rubber flooring will be installed within the areas designated for circuit and cardiovascular training and 22.5mm-thick rubber flooring will be installed within the area designated for free weight uses; and

WHEREAS, the applicant further represents that amplified music will not be utilized in the group exercise space, which will be used for yoga and Pilates classes; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated April 14, 2016, the Fire Department states that it has no objections to the subject application; and

WHEREAS, the Landmarks Preservation Commission ("LPC") issued a Certificate of No Effect to the subject property, expiring January 21, 2020, indicating approval of certain alterations to the premises related to the subject application and finding that the work will have no effect on significant protected features of the building; and

WHEREAS, the applicant represents that the premises is located in a heavily trafficked commercial area comprised of buildings with commercial retail uses on the ground floor and residential uses on upper floors and, as the location is within walking distance of three subways stations, the use is not anticipated to create additional vehicular traffic; and

WHEREAS, additionally, the applicant represents that the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR, Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA018M, dated August 14, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-6A zoning district, the operation of a physical culture establishment contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 2, 2016"—Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant is ten years, expiring on May 3, 2026;

THAT the hours of the PCE shall be limited to Monday through Friday 8:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 3:00 p.m. and Sunday 8:00 a.m. to 2:00 p.m.;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm—including manual pull stations at each required exit, local audible and visual alarms, area smoke detector and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT all interior partitions and exists shall be as approved by DOB;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT 7.5mm-thick rubber flooring shall be installed within the areas designated for circuit and cardiovascular training;

THAT 22.5mm-thick rubber flooring shall be installed

within the area designated for free weight uses;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 3, 2021;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

30-12-BZ

APPLICANT – Eric Palatnik, P.C., for Don Ricks Associates, owner; New York Mart Group, Inc., lessee.

SUBJECT – Application February 8, 2012 – Remand Back to Board of Standards and Appeals; seeks a judgment vacating the resolution issued on January 15, 2013 and filed on January 17, 2013. R6-/C2-2 zoning district.

PREMISES AFFECTED – 142-41 Roosevelt Avenue, northwest corner of Roosevelt Avenue and Avenue B, Block 5020, Lot 34, Borough of Queens.

COMMUNITY BOARD #7Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for decision, hearing closed.

240-14-BZ

APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.

SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.

PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for continued hearing.

333-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.

SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.

PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for adjourned hearing.

21-15-BZ

APPLICANT – Eric Palatnik, P.C., for Edward Nektalov, owner.

SUBJECT – Application February 5, 2015 –Special Permit (73-621) to for the enlargement of an existing one-family dwelling which will not provide the required open space ratio. R1-2A zoning district.

PREMISES AFFECTED – 112-35 69th Avenue, between 112th Street and Grand Central Parkway Service Road, Block 2241, Lot 48, Borough of Queens.

COMMUNITY BOARD #6Q

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for continued hearing.

126-15-BZ

APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.

SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.

PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for continued hearing.

253-15-BZ

APPLICANT – Law Office of Jay Goldstein, for Abraham Leitner, owner.

SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 99 East 22nd Street, Block 07586, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to May 17, 2016, at 10 A.M., for adjourned hearing.

Ryan Singer, Executive Director

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BULLETIN

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165-15-A & 166-15-A	88-36 144th Street, Queens
197-15-A	32 Berry Street, Brooklyn
300-08-A	39-35 27th Street, Queens
167-15-A	137 West 86th Street, Manhattan
177-15-BZ	432 Albourne Avenue, Staten Island
189-15-BZ	7311 3rd Avenue, Brooklyn
222-15-BZ	86-09 Roosevelt Avenue, Queens
224-15-BZ	37 82nd Street, Brooklyn
252-15-BZ	1120 East 24th Street, Brooklyn
30-14-BZ	6101 16th Avenue, aka 1602 61st Street, aka 1601 62nd Street, Brooklyn
99-14-BZ	432-434 West 31st Street, aka 433-435 West 30th Street, Manhattan
64-15-BZ	39 Clarkson Street, Manhattan
71-15-BZ	548 West 22nd Street, Manhattan
253-15-BZ	99 East 22nd Street, Brooklyn

2016-4182-A
16 Derick Court, located on the northwest corner of Industrial Loop and Derick Court, Block 07206, Lot(s) 322, 323, Borough of **Staten Island, Community Board: 3**. Proposed construction of a one-story warehouse not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law, located within an M3-1 (SRD) zoning district.

2016-4183-BZ
432-438 East 14th Street, through lot with frontages along East 14th & East 13th Streets between 1st Avenue and Avenue A, Block 00441, Lot(s) 23 & 32, Borough of **Manhattan, Community Board: 3**. Variance (§72-21) to permit the construction of a mixed residential and commercial building contrary to ZR §§23-163 (floor area and 35-65 (Height and setback). C1-6A zoning district.

2016-4184-BZ
194 Orchard Street, located on the southeast corner of the intersection of Orchard and East Houston Streets, Block 00412, Lot(s) 12, Borough of **Manhattan, Community Board: 3**. Special Permit (§73-36) to permit a physical culture establishment (Equinox) within a new mixed-use building. C6-2A/C4-4A zoning district.

2016-4185-BZ
108-18 Roosevelt Avenue, located on the southside of Roosevelt Avenue, 100 feet east of 108th Street, Block 01996, Lot(s) 11, Borough of **Queens, Community Board: 4**. Special Permit (§73-36) to permit a physical culture establishment (Blink) within a new commercial building. C2-4/R6B zoning district.

2016-4186-A
150-11 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 16, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4187-A
150-15 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 18, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4188-A
150-19 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 20, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4189-A
150-23 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 22, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4190-A
150-27 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 24, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4191-A
150-31 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 26, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4192-A
150-35 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 28, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4193-A
150-37 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 30, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4194-A
150-43 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 32, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4195-A
150-49 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 34, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4196-A
150-53 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 36, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4197-A
159-12 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 78, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4198-A
150-18 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 80, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4199-A
150-22 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 82, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4200-A
150-26 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 84, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4201-A
150-32 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 86, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4202-A
150-36 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 88, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4203-A
150-42 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 90, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4204-A
150-50 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 92, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4205-A
150-56 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 94, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4206-A
150-60 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 96, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4207-A
150-65 Sullivan Drive, part of a larger residential development which fronts on 6th Avenue, 150th Street and Powell's Cove Boulevard., Block 04509, Lot(s) 98, Borough of **Queens, Community Board: 7**. Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.

2016-4208-BZ
142 West 19th Street, located on the south side of West 19th Street approximately 241 feet east of 7th Avenue, Block 00794, Lot(s) 63, Borough of **Manhattan, Community Board: 4**. Variance (§72-21) to permit the development of a 10-story residential building contrary to ZR §23-692. C6-3A zoning district.

.**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

REGULAR MEETING
JUNE 14, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 14, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

114-02-BZ
APPLICANT – David L. Businelli, R.A., for Jerry Campitiello, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Variance (72-21) which permitted the development of two-story building with retail on the first floor and offices on the second floor with accessory parking which expired on May 20, 2013; Waiver of the Rules. R2 zoning district.
PREMISES AFFECTED – 2493 Richmond Road, Block 947, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI

220-04-BZ
APPLICANT – Sheldon Lobel, P.C., for Marjay Realty, LLC c/o Avenue Management Group, Ltd., owner.
SUBJECT – Application May 8, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted a physical culture establishment, to occupy a portion of the second floor, of an existing six story building, which expired on January 1, 2015; Waiver of the Rules. M1-2/R6A zoning district
PREMISES AFFECTED – 500 Driggs Avenue, Block 3205, Lot 18, Borough of Brooklyn.
COMMUNITY BOARD #1BK

APPEALS CALENDAR

260-15-A & 261-15-A
APPLICANT – Eric Palatnik, P.C., for Whitewell Properties, LLC, owner.
SUBJECT – Application November 24, 2015 – GCL36 to permit two, two family homes that do not have frontage on a legally mapped street, contrary to Article 3, Section 36 of the NYS General City Law. RA3X zoning district.
PREMISES AFFECTED – 122 & 130 Bard Avenue, Block 138, Lot(s) 108 & 111, Borough of Staten Island.
COMMUNITY BOARD #1SI

REGULAR MEETING
JUNE 14, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 14, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

139-15-BZ
APPLICANT – Eric Palatnik, P.C., for Merrissa Mgt. Holdings, owner; Life Sports Club, LLC, lessee.
SUBJECT – Application July 1, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Life Health Fitness*) in the cellar within a two-story building with a C2-2 commercial overlay. R3-1/C2-2 zoning district.
PREMISES AFFECTED – 10-24 154th Street, Block 4539, Lot 61, Borough of Queens.
COMMUNITY BOARD #7Q

204-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Caledonia Retail Associates LLC, owner.
SUBJECT – Application August 31, 2015 – Special Permit 73-36: to allow a (*SoulCycle*) physical culture establishment within portion of an existing twenty-four story mixed use building in a C6-3 (WCH) zoning district.
PREMISES AFFECTED – 98-100 10th Avenue, aka 450 West 17th Street, Block 714, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #4M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, MAY 17, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

364-82-BZ
APPLICANT – Troutman Sanders LLP, for Little Neck Commons LLC, owner; Bally's Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy for a previously approved Special Permit which permitted the operation of a Physical Cultural establishment; Amendment to reflect a change in owner/operator. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 245-24 Horace Harding Expressway, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a re-opening, an amendment to a previously granted variance for a physical culture establishment ("PCE") to reflect a change in ownership and the replacement of accessory business signage and for an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on April 5, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 11, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Horace Harding Expressway, between 24th Street and Marathon Parkway, in an R3-2 (C1-2) zoning district, in Queens; and

WHEREAS, the site has approximately 410 feet of frontage along Horace Harding Expressway, total lot area of 74,303 sq. ft. and is improved upon with a one-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 3, 1969 when, under BSA Cal. No. 214-69-BZ, the Board granted a variance to permit the conversion of a store within an existing shopping center to a PCE for a term of ten years, expiring June 3, 1979; and

WHEREAS, on January 18, 1983, under the subject calendar number, the Board re-established the expired 1969 variance for a term of ten years, expiring January 18, 1993, and permitted an enlargement of the use; and

WHEREAS, on May 13, 1986, under the subject calendar number, the Board reopened and amended the previous resolution to permit alterations to the interior of the PCE and the front façade of the building and change the permitted hours of operation from Sunday through Saturday, 10:00 a.m. to 10:00 p.m., to Monday through Friday, 6:30 a.m. to 10:00 p.m., Saturday, 9:00 a.m. to 6:00 p.m. and Sunday, 9:00 a.m. to 5:00 p.m.; and

WHEREAS, on December 12, 1989, under the subject calendar number, the Board reopened and amended the previous resolution to permit further interior and front façade changes as reflected on the submitted revised drawings; and

WHEREAS, on June 20, 1995, under the subject calendar number, the Board granted an extension of the term of the variance for a period of ten years, expiring January 18, 2003, and amended the variance to allow a change in the PCE's hours of operation to Monday through Friday, 6:00 a.m. to 10:30 p.m., and Saturday through Sunday, 8:00 a.m. to 8:00 p.m.; and

WHEREAS, on May 21, 2002, under the subject calendar number, the Board granted an application to amend the variance to permit an expansion of the existing PCE into the cellar level and change the name and logo on the building façade; and

WHEREAS, on September 27, 2005, under the subject calendar number, the Board granted a ten year extension of term for the variance, expiring January 18, 2013; and

WHEREAS, on May 31, 2006, by letter, the Board approved detailed specifications for the replacement signage, the application for which was granted in May 2002 but the details for which were not provided with the plans submitted in connection with that application; and

WHEREAS, on April 9, 2013, under the subject calendar number, the Board granted a further ten-year extension of term for the variance, expiring January 18, 2023; and

WHEREAS, the instant application seeks an amendment to the variance indicating a change in ownership of the PCE, from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., as well as the replacement of accessory business signs to reflect the new ownership and for an extension of time to obtain a certificate of occupancy; and

WHEREAS, the applicant notes that it is not proposing changes to the hours of operation, which remain Monday through Friday, 6:00 a.m. to 10:30 p.m., and Saturday through Sunday, 8:00 a.m. to 8:00 p.m., or the area occupied by the PCE within the existing building, 13,955 sq. ft. on the ground floor and 13,034 sq. ft. in the cellar for a total of 26,989 sq. ft. of floor space; and

WHEREAS, the applicant seeks an extension of time

to obtain a Certificate of Occupancy listing all conditions set forth in prior Board resolutions issued under the subject calendar number, as required by those resolutions; and

WHEREAS, the applicant represents that, though the PCE obtained a Final Certificate of Occupancy from the Department of Buildings ("DOB"), dated July 20, 1984 and indicating the PCE use, that Certificate of Occupancy has not been updated to reflect the conditions of subsequent Board grants; and

WHEREAS, the applicant represents that the proposed accessory signs are in compliance with applicable zoning regulations; and

WHEREAS, the applicant represents that the PCE facilities comply with the ADA and that the following fire safety measures are currently installed and in operation at the facility: a fire alarm control panel, fire extinguishers, manual pull stations, local audible and visual alarms, area smoke detectors, automatic wet sprinkler system, emergency lighting, and internally illuminated directional exit signs; and

WHEREAS, the Department of Investigation has performed a background check on the new corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, based upon its review of the record, the Board finds that the requested change in ownership, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated January 18, 1983, as amended through April 9, 2013, so that as amended the resolution reads: "to permit a change in ownership of the premises to 24 Hour Fitness, Inc. and permit a one-year extension of time to obtain a Certificate of Occupancy, expiring May 17, 2017, *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received October 26, 2015' –Two (2) sheets and 'April 11, 2016'-One (1) sheet; and *on further condition*:

THAT there will be no further change in ownership or operating control of the PCE without prior approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT the entire PCE space shall be fully-sprinklered;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT the applicant shall obtain a Certificate of Occupancy by May 17, 2017;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 17, 2016.

164-04-BZ

APPLICANT – Akerman, LLP, for 2241 Westchester Avenue Realty Corp., owner.

SUBJECT – Application December 30, 2015 – Extension of Time to Obtain a Certificate of Occupancy for a previously approved Special Permit (73-36) permitting the operation of a Physical Cultural Establishment which expired on December 16, 2015. C2-4/R6 zoning district.

PREMISES AFFECTED – 2241 Westchester Avenue, Block 3963, Lot 57, Borough of Bronx.

COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to obtain a Final Certificate of Occupancy for a previously approved special permit permitting the operation of a physical culture establishment ("PCE"), which expired on December 16, 2015; and

WHEREAS, a public hearing was held on this application on May 17, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2017; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of Westchester Avenue and Glebe Avenue, in an R6 (C2-4) zoning district, in the Bronx; and

WHEREAS, the site has approximately 138 feet of frontage along Westchester Avenue, 165 feet of frontage along Glebe Avenue, 22,790 sq. ft. of lot area, and is occupied by a two-story commercial building; and

WHEREAS, the subject PCE occupies 12,695 sq. ft. of floor area on the second floor of the building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 7, 2006 when, under the subject calendar number, the Board legalized the PCE for a term of ten years, expiring July 15, 2014; and

WHEREAS, on October 5, 2010, under the subject calendar number, the Board amended the resolution to extend the time to obtain a Certificate of Occupancy for one additional

year, expiring October 5, 2011, and permit the change in operator; and

WHEREAS, on December 16, 2014, under the subject calendar number, the Board extended the term of the special permit for an additional ten years, expiring July 15, 2024, and conditioned such grant on a Certificate of Occupancy for the PCE being obtained by December 16, 2015; and

WHEREAS, a Temporary Certificate of Occupancy dated December 8, 2015 was issued by the Department of Buildings ("DOB"), but a Final Certificate of Occupancy has yet to be obtained for the subject PCE use; and

WHEREAS, the time to obtain a Certificate of Occupancy having expired, the applicant now seeks a nine-month extension; and

WHEREAS, the Fire Department confirms that an interior fire alarm system and sprinklers are installed and operational in the subject PCE space and that final Fire Department signoff is pending minor administrative corrections, but that it has no objections to the subject application; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 7, 2006, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Final Certificate of Occupancy to February 17, 2017; and *on further condition*:

THAT the applicant shall make all administrative corrections necessary to obtain Fire Department signoff of the PCE's interior fire alarm system;

THAT the Fire Department sign off on the PCE's interior fire alarm system;

THAT a Certificate of Occupancy for the premises shall be obtained by February 17, 2017;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 17, 2016.

201-08-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for For Our Children, Inc., owner.

SUBJECT – Application October 16, 2015 – Extension of Time to Complete Construction and a Waiver (72-01) for extension of time to complete construction of a previously variance granted to allow the one story commercial building use for 18 parking spaces and offices (UG 6) contrary to use regulation. R3X zoning district.

PREMISES AFFECTED – 40-38 216th Street, Block 6290, Lot 070, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to complete construction in connection with a variance, previously granted pursuant to § 72-21, permitting a one-story commercial building (Use Group 6) in an R3X zoning district; and

WHEREAS, a public hearing was held on this application on February 23, 2016 after due notice by publication in *The City Record*, with a continued hearing on April 26, 2016 and then to decision on May 17, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on an irregularly-shaped lot bound by 215th Place to the west, 216th Street to the east, 40th Avenue to the north and tracks for the Long Island Rail Road ("LIRR") to the south, within an R3X zoning district, in Queens; and

WHEREAS, the site has approximately 18,564 sq. ft. of lot area and is currently vacant; and

WHEREAS, the Board has exercised jurisdiction over the subject site since August 23, 2011 when, under subject calendar number, the Board granted a variance to permit, contrary to district use regulations, the construction of a one-story commercial office building with total floor area of 3,395 sq. ft. and 18 accessory parking spaces to be used in association with the operation of Lund Fire Products, an adjacent contractor's establishment; and

WHEREAS, construction was to be substantially completed by August 23, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that there has been no construction at the premises since the 2011 variance grant; and

WHEREAS, accordingly, the applicant seeks an extension of an additional four (4) years to complete construction; and

WHEREAS, the applicant further requests a waiver of

Board Rule of Practice and Procedure § 1-07.3(c)(2) to permit the filing of this application more than one year before or less than two years after the expiration of time; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the original grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives its Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated August 23, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to August 23, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT the project shall comply with the 2014 New York City Building Code;

THAT construction shall be completed by August 23, 2019;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 17, 2016.

196-49-BZ

APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.

SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

202-05-BZ

APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner.

SUBJECT – Application August 14, 2015 – Amendment to reflect the conditions approved pursuant to BSA Cal 298-13-BZ; to legalize modifications to interior spaces; and to extend the term of a special permit granted pursuant to ZR 73-36. M1-1 zoning district.

PREMISES AFFECTED – 11-11 131st Street, Block 4011, Lot 24, Borough of Queens.

COMMUNITY BOARD #1Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for decision, hearing closed.

306-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Talmud Torah Ohel Tochanan c/o Moshe Kramer, owner.

SUBJECT – Application February 4, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to permit the construction of a one and six-story religious school building (*Talmud Torah Ohel Tochanan*) with the one-story portion along the rear lot line, which expired on February 5, 2012; Waiver of the Rules. R5/M1-1 (Special Ocean Parkway District) zoning district.

PREMISES AFFECTED – 50 Lawrence Avenue, Block 5422, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #14BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for decision, hearing closed.

16-12-BZ

APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.

SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.

PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.

COMMUNITY BOARD #3BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

162-15-A thru 164-15-A

APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.

SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district

PREMISES AFFECTED – 139-48 88th Road, Block 09683, Lot 0013, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an appeal requesting a Board determination that the owner of the subject premises has obtained a vested right under the common law to complete the construction of two three-family residential buildings and one two-family residential building at the subject site; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on the southeast corner of 144th Street and 88th Road, in Jamaica, Queens; the site has approximately 86'-8" of frontage along west side of 144th Street and a depth of approximately 42'-3"; and

WHEREAS, under construction at the site are two three-family residential buildings and a two-family residential building (collectively, the "Buildings"); all three of the Buildings are three stories high and have a total of 5,652.75 sq. ft. of floor area, with a total of eight residential units; and

WHEREAS, DOB Permit No. 402531042-01-NB was issued for the building which is being constructed at 88-30 144th Street (Block 9683, Tentative Lot 14) on May 11, 2007; DOB Permit No. 402531033-01-NB was issued for the building which is being constructed at 88-34 144th Street (Block 9683, Tentative Lot 114) on May 15, 2007; DOB Permit No. 402531051-01-NB was issued for the building which is being constructed at 139-44 88th Road (Block 9683, Tentative Lot 13) on May 14, 2007; the three permits are referred to collectively herein as the "Permits"; and

WHEREAS, when the Permits were issued, the subject site was located within an R6 zoning district; and

WHEREAS, subsequently, however, on September 10, 2007 (the "Enactment Date"), the City Council voted to adopt the Jamaica Plan rezoning (ULURP Appl. No. C070314(A)), which rezoned the subject site from R6 to R5; and

WHEREAS, accordingly, the Buildings do not comply with the current zoning with respect to minimum lot coverage, permitted number of dwelling units, side yards, and parking; and

WHEREAS, the applicant represents that the Buildings comply with the parameters of the former R6 zoning district; and

WHEREAS, as of the Enactment Date, the applicant had completed 100 percent of the Buildings' foundations, such that the right to continue construction of the Buildings was vested pursuant to ZR § 11-331, which allows DOB to determine that construction may continue under such circumstances; and

WHEREAS, however, only two years are allowed for completion of construction and to obtain a certificate of occupancy; and

WHEREAS, in the two years subsequent to the Enactment Date, construction was not completed and certificates of occupancy for the Buildings were not issued; and

WHEREAS, accordingly, applications were filed with the Board for an extension of time to complete construction of the Buildings and to obtain certificates of occupancy therefor; and

WHEREAS, on February 9, 2010, under BSA Cal. Nos. 259-09-BZY, 260-09-BZY, and 261-09-BZY, the Board granted two-year extensions of time to complete construction of the Buildings and obtain certificates of occupancy therefor; and

WHEREAS, accordingly, the applicant had until February 9, 2012, to so complete construction of the Buildings and obtain certificates of occupancy therefor; and

WHEREAS, construction of the Buildings was not completed, nor were the certificates of occupancy therefor obtained, by February 9, 2012, as such, the Permits lapsed on that date; and

WHEREAS, the applicant now seeks a two-year extension to complete construction pursuant to the common law doctrine of vested rights; and

WHEREAS, a threshold matter for the vested rights analysis is that the Permits were issued lawfully prior to the Enactment Date and that the work was performed pursuant to such lawful Permits; and

WHEREAS, the Board notes its previous determinations under BSA Cal. Nos. 259-09-BZY, 260-09-BZY, and 261-09-BZY that the Permits were lawfully issued prior to the Enactment Date; and

WHEREAS, moreover, by letter dated March 15, 2016, DOB stated that it takes no position as to whether the Permits may vest; and

WHEREAS, the Board notes that when work proceeds under a lawfully-issued permit, a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2)

the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior zoning; and

WHEREAS, specifically, as held in *Putnam Armonk, Inc. v Town of Southeast*, 52 AD 2d 10 (2d Dept 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner's rights under the prior ordinance are deemed vested "and will not be disturbed where enforcement [of new zoning requirements] would cause 'serious loss' to the owner," and "where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the ordinance"; and

WHEREAS, however, notwithstanding this general framework, as discussed by the court in *Kadin v Bennett*, 163 AD 2d 308 (2d Dept 1990) "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right'. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as noted above, the applicant obtained the Permits to construct the Buildings and performed certain work prior to the Enactment Date; and

WHEREAS, the Board notes that work completed prior to the Enactment Date constituted substantial construction and/or substantial expenditures as stated or implied in BSA Cal. Nos. 259-09-BZY, 260-09-BZY, and 261-09-BZY; and

WHEREAS, the applicant submits, and the Board finds, that the work performed prior and subsequent to the previous approvals constitutes substantial construction and, similarly, that expenditures related thereto were similarly substantial; and

WHEREAS, the applicant notes that the Board's grants under BSA Cal. Nos. 259-09-BZY, 260-09-BZY, and 261-09-BZY included findings that substantial expenditures were incurred at the site; and

WHEREAS, as to expenditure, the Board notes that unlike an application for relief under ZR § 11-30 *et seq*., soft costs and irrevocable financial commitments can be considered in an application under the common law and accordingly, these costs are appropriately included in the applicant's analysis; and

WHEREAS, specifically, the applicant notes that it has incurred construction costs and obligations of $57,000.00 since the Enactment Date; and

WHEREAS, the applicant states that in addition to the foregoing construction costs, it has spent approximately $10,560.00 in soft costs; and

WHEREAS, the applicant has submitted invoices and copies of cancelled checks to substantiate the foregoing; and

WHEREAS, the Board considers the amount of expenditures significant, both for a project of this size, and when compared with the development costs; and

WHEREAS, again, the Board's consideration is guided by the percentages of expenditure cited by New York courts considering how much expenditure is needed to vest rights under a prior zoning regime; and

WHEREAS, the applicant states that if it is not allowed to complete construction of the Buildings it will incur a loss in excess of $67,560 in funds spent and obligations incurred; and

WHEREAS, thus, the applicant states that it would suffer a serious loss if the site were required to comply with the applicable R5 zoning regulations; and

WHEREAS, the Board agrees that complying with the applicable R5 zoning regulations would result in a serious economic loss for the applicant; and

WHEREAS, at hearing, the Board directed the applicant to brief the Board on the divestiture of an owner's vested rights upon the passage of time; the applicant provided the Board with a memorandum outlining the grounds for such a divestiture of an owner's vested rights, to wit, a showing of an intent to abandon together with an over act implying abandonment absent a circumstances which contradict an intent to abandon; and

WHEREAS, the applicant states, and the Board accepts, that the nine-year delay in the completion of the construction of the Buildings is directly attributed to a prior owner's financial difficulties, which resulted in foreclosure proceedings which prevented the completion of construction; the applicant notes that the 2009 applications belie any implication that the prior owner intended to abandon the subject development; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed and the expenditures made both before and after the Enactment Date, the representations regarding serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to complete construction of the Buildings has accrued to the owner of the site.

Therefore it is Resolved, that this application made pursuant to the common law doctrine of vested rights requesting a reinstatement of Permit Nos. 402531042-01-NB, 402531033-01-NB, and 402531051-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, is granted for two years from the date of this grant.

Adopted by the Board of Standards and Appeals, May 17, 2016.

165-15-A & 166-15-A
APPLICANT – Akerman Senterfitt, LLP, for Jamaica 777 Inc., owner.
SUBJECT – Application July 24, 2015 – Application seeks a determination that the applicant has vested rights in the continued development of the proposed residential building at the premises. R5 zoning district
PREMISES AFFECTED – 88-36 144th Street, Block 09683, Lot 0015, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an appeal requesting a Board determination that the owner of the subject premises has obtained a vested right under the common law to complete the construction of two three-family residential buildings and one two-family residential building at the subject site; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on west side of 144th Street, between 88th Road and 89th Avenue, in Jamaica, Queens; the site has approximately 39'-8" of frontage along west side of 144th Street and a depth of approximately 42'-3"; and

WHEREAS, under construction at the site are two three-family residential buildings (collectively, the "Buildings"); both of the Buildings are three stories high and have a total of 4,657.68 sq. ft. of floor area, with a total of six residential units; and

WHEREAS, DOB Permit No. 402531060-01-NB was issued for the building which is being constructed at 88-36 144th Street (Block 9683, Tentative Lot 15) on May 15, 2007; DOB Permit No. 402531079-01-NB was issued for the building which is being constructed at 88-38 144th Street (Block 9683, Tentative Lot 16) on May 14, 2007; the two permits are referred to collectively herein as the "Permits"; and

WHEREAS, when the Permits were issued, the subject site was located within an R6 zoning district; and

WHEREAS, subsequently, however, on September 10, 2007 (the "Enactment Date"), the City Council voted to adopt the Jamaica Plan rezoning (ULURP Appl. No. C070314(A)), which rezoned the subject site from R6 to R5; and

WHEREAS, accordingly, the Buildings do not comply with the current zoning with respect to minimum lot coverage, permitted number of dwelling units, side yards, and parking; and

WHEREAS, the applicant represents that the Buildings comply with the parameters of the former R6 zoning district; and

WHEREAS, as of the Enactment Date, the applicant had completed 100 percent of the Buildings' foundations, such that the right to continue construction of the Buildings was vested pursuant to ZR § 11-331, which allows DOB to determine that construction may continue under such circumstances; and

WHEREAS, however, only two years are allowed for completion of construction and to obtain a certificate of occupancy; and

WHEREAS, in the two years subsequent to the Enactment Date, construction was not completed and certificates of occupancy for the Buildings were not issued; and

WHEREAS, accordingly, applications were filed with the Board for an extension of time to complete construction of the Buildings and to obtain certificates of occupancy therefor; and

WHEREAS, on February 9, 2010, under BSA Cal. Nos. 257-09-BZY and 258-09-BZY the Board granted two-year extensions of time to complete construction of the Buildings and obtain certificates of occupancy therefor; and

WHEREAS, accordingly, the applicant had until February 9, 2012, to so complete construction of the Buildings and obtain certificates of occupancy therefor; and

WHEREAS, construction of the Buildings was not completed, nor were the certificates of occupancy therefor obtained, by February 9, 2012, as such, the Permits lapsed on that date; and

WHEREAS, the applicant now seeks a two-year extension to complete construction pursuant to the common law doctrine of vested rights; and

WHEREAS, a threshold matter for the vested rights analysis is that the Permits were issued lawfully prior to the Enactment Date and that the work was performed pursuant to such lawful Permits; and

WHEREAS, the Board notes its previous determinations under BSA Cal. Nos. 257-09-BZY and 258-09-BZY that the Permits were lawfully issued prior to the Enactment Date; and

WHEREAS, moreover, by letter dated March 15, 2016, DOB stated that it takes no position as to whether the Permits may vest; and

WHEREAS, the Board notes that when work proceeds under a lawfully-issued permit, a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2) the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior zoning; and

WHEREAS, specifically, as held in *Putnam Armonk, Inc. v Town of Southeast*, 52 AD 2d 10 (2d Dept 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner's rights under the prior ordinance are deemed vested "and will not be disturbed where enforcement [of new zoning requirements] would cause 'serious loss' to the owner," and "where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the ordinance"; and

WHEREAS, however, notwithstanding this general

framework, as discussed by the court in *Kadin v Bennett*, 163 AD 2d 308 (2d Dept 1990) "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right'. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as noted above, the applicant obtained the Permits to construct the Buildings and performed certain work prior to the Enactment Date; and

WHEREAS, the Board notes that work completed prior to the Enactment Date constituted substantial construction and/or substantial expenditures as stated or implied in BSA Cal. Nos. 257-09-BZY and 258-09-BZY; and

WHEREAS, the applicant submits, and the Board finds, that the work performed prior and subsequent to the previous approvals constitutes substantial construction and, similarly, that expenditures related thereto were similarly substantial; and

WHEREAS, the applicant notes that the Board's grants under BSA Cal. Nos. 257-09-BZY and 258-09-BZY included findings that substantial expenditures were incurred at the site; and

WHEREAS, as to expenditure, the Board notes that unlike an application for relief under ZR § 11-30 *et seq*., soft costs and irrevocable financial commitments can be considered in an application under the common law and accordingly, these costs are appropriately included in the applicant's analysis; and

WHEREAS, specifically, the applicant notes that it has incurred construction costs and obligations of $37,998.00 since the Enactment Date; and

WHEREAS, the applicant states that in addition to the foregoing construction costs, it has spent approximately $6,980.00 in soft costs; and

WHEREAS, the applicant has submitted invoices and copies of cancelled checks to substantiate the foregoing; and

WHEREAS, the Board considers the amount of expenditures significant, both for a project of this size, and when compared with the development costs; and

WHEREAS, again, the Board's consideration is guided by the percentages of expenditure cited by New York courts considering how much expenditure is needed to vest rights under a prior zoning regime; and

WHEREAS, the applicant states that if it is not allowed to complete construction of the Buildings it will incur a loss in excess of $44,978.00 in funds spent and obligations incurred; and

WHEREAS, thus, the applicant states that it would suffer a serious loss if the site were required to comply with the applicable R5 zoning regulations; and

WHEREAS, the Board agrees that complying with the applicable R5 zoning regulations would result in a serious economic loss for the applicant; and

WHEREAS, at hearing, the Board directed the applicant to brief the Board on the divestiture of an owner's vested rights upon the passage of time; the applicant provided the Board with a memorandum outlining the grounds for such a divestiture of an owner's vested rights, to wit, a showing of an intent to abandon together with an over act implying abandonment absent a circumstances which contradict an intent to abandon; and

WHEREAS, the applicant states, and the Board accepts, that the nine-year delay in the completion of the construction of the Buildings is directly attributed to a prior owner's financial difficulties, which resulted in foreclosure proceedings which prevented the completion of construction; the applicant notes that the 2009 applications belie any implication that the prior owner intended to abandon the subject development; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed and the expenditures made both before and after the Enactment Date, the representations regarding serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to complete construction of the Buildings has accrued to the owner of the site.

Therefore it is Resolved, that this application made pursuant to the common law doctrine of vested rights requesting a reinstatement of Permit Nos. 402531060-01-NB and 402531079-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, is granted for two years from the date of this grant.

Adopted by the Board of Standards and Appeals, May 17, 2016.

197-15-A

APPLICANT – Slater & Beckerman, P.C., for Mihata Corp., owner; Colossal Media, lessee.

SUBJECT – Application August 25, 2015 – Determination made by Department of Buildings Technical Affairs that under ZR 42-561 a proposed advertising sign, comprising 750 sq. ft. of surface area, may not be located at the premises, facing a Special Mixed Use District (M1-1)/R6A zoning district.

PREMISES AFFECTED – 32 Berry Street, northwest corner of the intersection of Berry Street and North 12th Street, Block 2283, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Appeal Denied.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter and Commissioner Montanez…….....2

Negative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda……..3

THE RESOLUTION:

WHEREAS, the subject appeal comes before the Board in response to a Final Determination, dated July 27, 2015, by the Department of Buildings ("DOB") (the "Final Determination"); and

WHEREAS, the Final Determination states, in pertinent part:

> …the proposed advertising sign, located within 100 ft. of the street line, and in fact, directly on the street line of North 12th Street, in which the

boundary of the adjoining Residence R6A District is located, and facing directly towards the Residence District boundary at effectively zero degrees away from the Residence District boundary, does not comply with ZR 42-561 and is, therefore, not allowed; and

WHEREAS, a public hearing was held on this appeal on February 23, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject Site and neighborhood; and

WHERAS, this appeal is filed on behalf of Colossal Media, (the "Appellant"), which seeks to lease sign space at 32 Berry Street; the Appellant contends that DOB's issuance of the Final Determination was erroneous; and

WHEREAS, DOB and the Appellant have been represented by counsel throughout this appeal; and

WHEREAS, the subject site is located at the northwest corner of Berry Street and North 12th Street, within an M1-1 zoning district; and

WHEREAS, the site has 50 feet of frontage along Berry Street, 100 feet of frontage along North 12th Street, and approximately 5,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by two-story industrial and manufacturing building; the Appellant proposes to install on the subject building a non-illuminated advertising sign with an area of 900 sq. ft.; because the sign would be hand-painted it does not require a building permit (the "Proposed Sign"); and

PROCEDURAL HISTORY

WHEREAS, on August 27, 2014, the Appellant submitted a determination request to DOB, seeking confirmation that the Proposed Sign may be painted facing the MX-8 District, in conformance with ZR § 42-561; and

WHEREAS, on March 2, 2015, DOB issued a determination stating that "the subject premises is situated within 200 feet of estimated perpendicular distance between the farthest point on the subject side lot line to the direct opposite point on the street line in front of McCarren Park along Berry Street" and "the district boundary of [the] M1-2/R6A and MX8 Special Mixed Use zoning district . . . shall be appropriately treated as residential"; and

WHEREAS, on March 27, 2015, the Appellant submitted a second determination request seeking reversal of the May 2, 2015 determination; DOB responded by issuing the Final Determination on July 27, 2015; and

WHEREAS, accordingly, the narrow question on appeal is whether the Zoning Resolution allows the Proposed Sign; and

WHEREAS, the Appellant asserts that it does; DOB maintains that it does not; both parties claim support for their position in the Zoning Resolution; and

WHEREAS, by letter dated February 9, 2016, the Department of City Planning ("DCP") states that it supports DOB's position; and

PROVISIONS OF THE ZONING RESOLUTION

42-561

Restrictions along district boundary located in a street

M1 M2 M3

In all districts, as indicated, and within 100 feet of the *street line* of any *street* or portion thereof in which the boundary of an adjoining *Residence District* is located, or which adjoins a *public park* of one-half acre or more, *advertising signs* that face at an angle of less than 165 degrees away from such *Residence District* or park boundary shall not be permitted and all other *signs* facing at less than such an angle shall conform with all the *sign* regulations applicable in C1 Districts as set forth in Sections 32-61 to 32- 68, inclusive, relating to Sign Regulations.

123-40

SIGN REGULATIONS

In *Special Mixed Use Districts*, the provisions regulating *signs* in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any *sign*. For the purposes of applying such regulations in *Special Mixed Use Districts*, all references to *mixed buildings* shall include *mixed use buildings*. In MX-9 Districts, the provisions of this Section shall apply, except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such *signs* are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to *flashing signs*; and

DISCUSSION

A. THE APPELLANT'S POSITION

WHEREAS, the Appellant asserts that: (1) an MX8 District should be treated as a C6-1 district, not a Residence District and (2) DOB's Determination leads to an illogical result that there be only a limited amount of accessory signage facing Special Mixed Use Districts while more than twice the amount of accessory signage would be permitted within the district; and

1. The Appellant's argument that Mixed Use Districts are not Residence Districts

WHEREAS, the Appellant asserts that ZR § 42-561 is modified by ZR § 123-40, which provides that in MX districts, "the provisions regulating signs in C6-1 districts shall apply for any sign" so that an MX8 District should be treated as a C6-1 district, not a Residence District and, accordingly ZR § 42-561 should not apply; and

WHEREAS, the Appellant asserts that Special Mixed Use District, as defined in the Zoning Resolution, is not a Residence District for purposes of ZR § 42-561; and

WHEREAS, specifically, the Appellant cites to the ZR § 12-10 definition of a Residence District as "any district whose

designation begins with the letter 'R'" and a Special Mixed Use District as "a Special Purpose District designated by the letters MX" in which special regulations set forth in Article XII, Chapter 3, apply; and

WHEREAS, the Appellant asserts that the Residence and Manufacturing districts which underlie the Special Mixed Use District serve to provide the baseline regulations for the Special Mixed Use District, but they are not, by a plain reading of the statute, the designation which controls how the district is treated throughout the text of the Zoning Resolution; and

WHEREAS, the Appellant emphasizes the distinction between an MX designation for the Special Mixed Use District and R and M designations for Residential and Manufacturing districts, respectively, and the inherent conflict among those regulations; and

WHEREAS, the Appellant asserts a Special Mixed Use District cannot be an MX district, a district beginning with the letter R, and a district beginning with the letter M, all at once, but rather that an MX district is an M1 district paired with a Residence District, with regulations that are either superseded or supplemented by the Special Mixed Use District regulations; and

2. The Appellant's textual analysis

WHEREAS, the Appellant asserts that the Zoning Resolution is clear that an MX District which carries an MX designation is not a Residence District; and

WHEREAS, the Appellant states that the intent of the district boundary text should be invoked to resolve ambiguity in the text, if any; and

WHEREAS, further, the Appellant asserts that C6-1 district sign provisions supersede any Residence or Manufacturing district sign provisions; and

WHEREAS, specifically, the Appellant cites to ZR § 123-40 to support its claim that in Special Mixed Use Districts, the provisions regulating signs in C6-1 districts apply for any sign, a provision it asserts must apply inside and outside the district; and

WHEREAS, the Appellant cites to the City Planning Commission report for the Special Port Morris Mixed Use District in support of this point; and

WHEREAS, the Appellant asserts that treating MX Districts as Residence Districts would lead to an illogical outcome in which illuminated accessory signs up to an area of 500 sq. ft. are permitted, but accessory signs in adjacent districts could only reach a maximum of 50 sq. ft.; and

3. The Appellant's argument regarding the similarities of Commercial Overlay Districts

WHEREAS, the Appellant draws parallels between MX Districts and Commercial Overlay Districts and states that (1) there is not a planning rationale for requiring a buffer of C1 signage between a Manufacturing District and an MX District and (2) Commercial Overlays are mapped within Residence Districts and therefore are hybrid districts, similar to MX districts; and

WHEREAS, the Appellant notes that C6-1 signage provisions allow for illuminated or flashing accessory signage with surface area up to 500 sq. ft., so requiring a C1 buffer adjacent to such permissive signage is not an effective planning measure as the larger signs are permitted in both the MX and the Manufacturing District; and

WHEREAS, the Appellant notes that DOB agrees that Commercial Overlay Districts should not be treated as Residence Districts but asserts that DOB is incorrect to say that Commercial Overlay Districts are not also Residence Districts because Commercial Overlays are mapped within Residence Districts; and

WHEREAS, the Appellant concludes that there is an even stronger case against treating an MX district strictly as a Residence District for district boundary regulations as there is for treating a Commercial Overlay District strictly as a Residence District because MX districts are designated as MX districts rather than being Commercial and Residential at the same time, as Commercial Overlays are; and

WHEREAS, the Appellant posits that the conclusion to treat an MX District as a Residence District would have implication on the permissible signage facing Commercial Overlays; and

B. DOB'S POSITION

WHEREAS, DOB articulates the following primary points in support of its position that the Final Determination was properly issued because the Proposed Sign would be within 100 feet of, and face an angle of less than 165 degrees away from, an adjoining Residence District: (1) Mixed Use Districts are Residence Districts; (2) Residence District sign regulations are not completely superseded by Commercial District regulations; and (3) the zoning text is unambiguous; and

1. DOB's argument that Mixed Use Districts are Residence Districts

WHEREAS, DOB states that Mixed Use Districts are both Residence Districts and Manufacturing Districts, citing to ZR § 12-10's definition of a Special Mixed Use District as ". . . The Special Mixed Use District appears on the zoning maps superimposed on paired M1 and Residence Districts, and it regulations supplement or modify those of the M1 and Residence Districts" and ZR § 123-10 which provides that in Special Mixed Use Districts, "an M1 District is paired with a Residence District, as indicated on the zoning maps"; and

WHEREAS, thus, DOB asserts, that the language in the Zoning Resolution is clear that MX Districts are M1 Districts "paired" with Residence Districts and that they are "designated Residence Districts in Special Mixed Use Districts," as set forth in ZR § 12-10 and ZR § 123-10, respectively; and

WHEREAS, DOB disagrees with the Appellant's assertion that Mixed Use Districts should be classified as a Commercial District, specifically C6-1 for the purposes of interpreting all sign regulations, inside and outside the Mixed Use District; and

WHEREAS, DOB finds the argument to be contrary to the clear language in ZR § 123-10, which states that the "provisions of this Chapter shall apply within the Special Mixed Use District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter;" and

WHEREAS, accordingly, DOB states that Article XII,

Chapter 3 does not modify ZR § 42-561 and is, thus, not applicable to the Proposed Sign located in an M1-1 district; and

WHEREAS, DOB rejects the Appellant's assertion that ZR § 123-40 re-designates Special Mixed Use Districts as Commercial Districts; instead, DOB contends that ZR § 123-40 merely imposes the sign regulations of a C6-1 district to signs within the MX District; and

WHEREAS, DOB notes that when a provision of the Zoning Resolution applies regulations from another Article or Chapter of the Zoning Resolution, it does not transform the underlying district designation; and

WHEREAS, finally, DOB notes that ZR § 76-12 requires that an "area enclosed by a district boundary line shall be in the district designated therein;" in this case, the area across the street from the Proposed Sign is enclosed by a district boundary line with the designation therein being M1-2/R6A, excluding an interpretation that this district is a C6-1; and

2. DOB's argument that the Residence District sign regulations are not completely superseded by Commercial District regulations

WHEREAS, DOB asserts that the Appellant overlooks the fact that C6 regulations, applicable to signs in MX districts include ZR § 32-68, which applies residential sign regulations to any residential or mixed use buildings in C6 districts ("In residential or mixed buildings, residential sign regulations shall apply to the residential portion."); and

WHEREAS, DOB asserts that it would be absurd to consider a district to become another district merely because the Zoning Resolution directs which regulations apply; and

WHEREAS, instead, DOB applies the plain language of the Zoning Resolution which states that an area enclosed by a district boundary line shall be as designated therein, which, in this case is an R6A district paired with an M1-2 district; and

WHEREAS, DOB agrees with the Appellant that if Mixed Use Districts are Residence Districts, accessory signage within 100 feet and facing a Mixed Use District is subject to stricter requirements than accessory signage located within the MX district; however, DOB does not agree that such an outcome should be a basis for determining that Mixed Use Districts are not Residence Districts; and

3. DOB's argument that its interpretation is consistent with related Zoning Resolution text

WHEREAS, DOB emphasizes that its interpretation is consistent with the Zoning Resolution's treatment of advertising signs, which is the only type of sign at issue in this case; specifically, DOB maintains that all advertising signs are prohibited within the MX district; and

WHEREAS, therefore, DOB asserts that it is actually appropriate that the boundaries of MX districts should also be free of advertising signs, especially the minimally regulated advertising signs in Manufacturing Districts; and

WHEREAS, DOB responds to the Appellant's concern about there being conflicting provisions regulating the storage of materials in pure M districts versus what is allowed in MX districts as evidence that Mixed Use Districts should not be considered Residence Districts with the point that the Zoning Resolution provides for different use restrictions in different districts; and

WHEREAS, DOB notes that City Planning specifically exempted or superseded provisions that it considered to be inapplicable or inconsistent with Mixed Use Districts but chose not to override ZR § 42-461 or ZR § 42-21 from Residence District boundary provisions in Article XII, Chapter 3; and

WHEREAS, DOB does not believe that textual anomalies which are completely unrelated to the specific application for an advertising sign should be the basis to interpret ZR § 42-561 in a manner inconsistent with what DOB purports to be the plain language of the Zoning Resolution; and

WHEREAS, DOB states that an interpretation that allows a Special Purpose District designation to completely supersede the underlying R, C, or M district designations would have an absurd result, rather than, the Special Purpose Districts providing additional regulations on the areas upon which they are superimposed without fundamentally altering the nature of the underlying R, C, or M districts; and

WHEREAS, with respect to commercial overlays, DOB agrees with the Appellant that Commercial Districts mapped within Residence Districts are not Residence Districts; and

WHEREAS, however, DOB states, in contrast, the Commercial Overlay Districts are only depicted as Commercial Districts on zoning maps, as reflected by the hatched areas, which solely identify Commercial Districts; and

WHEREAS, thus, DOB states that since the Zoning Resolution does not indicate that the Commercial Overlay is a Residence District, ZR § 42-561 would not apply to a sign in an M district facing a Commercial Overlay District; and

C. THE DEPARTMENT OF CITY PLANNING'S POSITION

WHEREAS, as noted above, by letter February 9, 2016, the Department of City Planning ("DCP") states that it supports DOB's position; and

WHEREAS, in pertinent part, DCP's letter provides that

> . . . We agree with DOB's conclusion that because this location is in an M1 District within 100 feet of the district boundary of an MX district (MX8), consisting of M1-2 and R6A districts, and the proposed sign would face the MX district at an angle of less than 165 degrees away from the MX district, that the provisions of Section 42-561 apply and would not permit an advertising sin in that location because a Special Mixed Use District includes a Residence district.
>
> The applicant contends in his application to DOB that MX districts are primarily M districts because the districts are shown on the zoning map as M1-2/R6A with the M district first, and therefore, MX districts should be treated as an M district because the designation starts with the initial M. This is simply incorrect. MX districts are comprised of paired M and R districts and as such both districts have equal status as stated in Article XII, Chapter 3 – Special Mixed Use Districts, Section 123-10 (General Provisions) . . . The M district designation precedes the R district designation because of their relative place in the alphabet. DOB properly notes that an MX district is equally both an M and R

district, and not a Manufacturing district in which residences are permitted. Moreover, a fundamental rule of all special districts is that the underlying district regulations apply, except as specifically modified by the provisions of the special district. In this case that means the regulations of both an R6A district and an M1-2 district apply within this mapped area except as specifically modified in Article XII, Chapter 3.

The Special Mixed Use District does not specify that C6-1 sign regulations apply to the businesses within the MX district. The commercial district sign rules were selected to protect residences and community facilities with sleeping accommodations within the MX district from the more liberal sign regulations permitted in manufacturing districts where larger signs, advertising, flashing and illuminated signs are permitted. These C6-1 commercial sign regulations do not affect the regulations relating to zoning lots located along the district boundary within the adjacent M1 district, nor do they make the MX8 district a C6-1 district subject to C6-1 commercial regulations more generally. Fundamentally, unless the special district regulations specifically direct otherwise, the regulations pertaining to the designated districts shown on the zoning map apply.

* * *

. . . The Commission Report for the first MX district (N970751 ZRX) specifically notes that an effort was made to allow the underlying use regulations pertaining to each district to apply to allow for the greatest flexibility within the MX district, but that residences and community facilities with sleeping accommodations needed to be protected to a greater degree: . . .

Moreover, given the potential for conflict between the less restrictive manufacturing and the more restrictive residence district regulations which apply equally within one area, it is also relevant to note that when regulations overlap or contradict each other, that the provisions of the Zoning Resolution set forth in Section 11-22 direct you to use the more restrictive regulation that imposes the higher standard: . . .

* * *

Because the provisions relating to zoning lots located in M districts along the district boundary of a Residence district set forth in Section 42-20 (SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) and 42-50 (SIGNS) were not made inapplicable to zoning lots located on the boundary of an MX district, the more restrictive regulations regarding signs within 100 feet of Residence district boundaries would have to apply pursuant to Section 11-20. The MX district could not be considered a manufacturing district or a commercial district with less restrictive regulations for the purposes of Section 42-561. Therefore the regulations of Section 42-561 would not permit the proposed advertising sign to face the boundary of this Special Mixed Use District and the Department of Buildings is correct in its determination to deny the application; and

CONCLUSION

WHEREAS, a majority of the Commissioners conclude that DOB's interpretation of the relevant zoning is supported in the text and in furtherance of well-established public policy, as such, the Final Determination is upheld and the subject appeal is denied; and

WHEREAS, two Commissioners voted to grant the subject appeal, citing to the legislative intent behind the creation of the Mixed Use Districts which were contemplated as not having the same protection against noise and traffic associated with industrial uses as that of a residence or commercial district, so long as the industrial use is operating lawfully; indeed, reciting the relevant City Planning Commission report, Chair Perlmutter stressed that the legislative intent warned that "a mixed use neighborhood may not be the most appropriate choice for residents seeking a traditional residential neighborhood"; and

WHEREAS, in addition to disagreeing with the majority's stated policy rationale for the vote to uphold the Final Determination, the dissenting Commissioners also dissent from the majority's textual analysis, and do not accept DOB's argument that the Mixed Use District at issue contains a Residence District, such that the subject sign is prohibited by ZR § 42-561; and

WHEREAS, the dissenting Commissioners also note that ZR § 11-122, which lists the districts established in the Zoning Resolution, lists Special Mixed Use Districts apart from Residence Districts and Manufacturing Districts, suggesting that a the Mixed Use District at issue is neither a Residence District nor a Manufacturing District, but is a distinct construct; and

WHEREAS, the dissenting Commissioners also noted that treating a Mixed Use District as a Residence District defies logic, as the Mixed Use District permits uses which are significantly more intensive than those permitted in a Residence District; and

WHEREAS, notwithstanding the foregoing, a majority of the Commissioners accept DOB's argument that Mixed Use Districts are both Residence Districts as well as Manufacturing Districts, based on the ZR § 12-10 definition of a Special Mixed Use District, which states that Mixed Use Districts are "superimposed on paired M1 and Residence Districts"; and

WHEREAS, thus, the subject site is located in an M1 zoning district within 100 feet of the street line of a street in which the boundary of an adjoining Residence District is located, such that any advertising sign thereupon is not permitted if it faces at an angle of less than 165 degrees away from such residence district; and

WHEREAS, as the subject advertising sign faces directly towards the Residence District contained within the adjacent Mixed Use District, it is prohibited by ZR § 42-561; and

WHEREAS, a majority of the Commissioners also credit DOB's argument that ZR § 123-40 imposes the sign regulations of a C6-1 district on signs within the MX District, and does not, as the Appellant argues, re-designate Special Mixed Use Districts as Commercial Districts; and

WHEREAS, some of the Commissioners who voted to uphold the Final Determination stressed that their decision was in furtherance public policy, specifically, the city's policy to protect residents from nuisances associated with signage; and

WHEREAS, for the reasons set forth above, the Board upholds DOB's position; and

Therefore it is Resolved, that the subject appeal, seeking a reversal of the Final Determination, dated July 27, 2015 is hereby *denied*.

Adopted by the Board of Standards and Appeals, May 17, 2016.

300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for deferred decision.

167-15-A

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Francesco Veltri, owner.

SUBJECT – Application July 28, 2015 – Application filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") requesting to vary MDL 171(2)(a) to permit a partial one story vertical enlargement of an existing building. R10A zoning district.

PREMISES AFFECTED – 137 West 86th Street, north side of West 86th between Columbus and Amsterdam Avenues, Block 1217, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

177-15-BZ
CEQR #16-BSA-014R

APPLICANT – Philip L. Rampulla, for Mangone Developers, Inc., owner.

SUBJECT – Application August 5, 2015 – Variance (§72-21) to permit the development of a new two family dwelling contrary to required side yards and permit a 3rd parking space to be located between the building wall and the street wall. R3-X, SRD, GMD zoning district.

PREMISES AFFECTED – 432 Albourne Avenue, Block 6942, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated July 27, 2015, with regards to the subject site reads in pertinent part:

1. ZR 107-462: The proposed two (2) family detached residence requires a 20' side yard as per section 107-462 of the NYC Zoning Resolution. Therefore refer to the Board of Standards and Appeals for review;
2. ZR 25-622: The proposed open accessory parking space located between the building wall and the street wall is contrary to section 25-622 of the NYC Zoning Resolution. Therefore refer to the Board of Standards and Appeals for review; and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R3X zoning district, the Special South Richmond District and a Lower Density Growth Management Area, the construction of a three-story, two-family detached residence with an open accessory parking space located between the building wall and the street wall, contrary to ZR §§ 107-462 and 25-622; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, with a continued hearing on April 12, 2016, and then to decision on May 17, 2016; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is located on the southwest corner of Albourne Avenue and Lenevar Avenue, in an R3X zoning district, in the Special South Richmond Development District and a Lower Density Growth Management Area, on Staten Island; and

WHEREAS, the site has approximately 37 feet of frontage along Albourne Avenue, 194 feet of frontage along Lenevar Avenue, 13 feet of frontage along Uncas Avenue, approximately 4,784 sq. ft. of lot area, and is currently vacant; and

WHEREAS, the applicant proposes to construct a three-story, two-family residence on the premises with a 5'-0" side yard, contrary to the 20'-0" minimum side yard required pursuant to ZR § 107-462, and an open accessory

parking space between the building wall and street wall, contrary to ZR § 25-622; and

WHEREAS, pursuant to ZR § 25-23, three off-street parking spaces are required at the premises and the open accessory parking space is proposed in addition to a two-car garage, located at the basement level of the two-family residence, in order to comply with this requirement; and

WHEREAS, the applicant states that, pursuant to ZR § 72-21(a), the narrow width and triangular shape and of the lot, which starts at a width of approximately 37 feet at Albourne Avenue and ends at a width of approximately 13 feet at Uncas Avenue, is a unique physical condition that creates a practical difficulty and unnecessary hardship in developing the subject site in conformance with underlying district regulations; specifically that compliance with the minimum front yard and side yard depth requirements of ZR §§ 23-45, 107-461 and 107-462 would only permit the construction of a building with a maximum width of less than 5 feet, which is impracticable; and

WHEREAS, the Board agrees that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, per ZR §72-21(b), the applicant represents that because of the shape and size of the lot and the aforementioned minimum front and side yard width requirements applicable to the premises, an as-of-right project is unbuildable and, thus, there is no reasonable possibility that development of the zoning lot in strict conformity with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the Board agrees that, consistent with ZR §72-21(b), there is no reasonable possibility that a development in strict compliance with applicable zoning requirements is feasible because of the site's unique physical conditions; and

WHEREAS, the applicant represents that the surrounding area is residential in character, consists of one- and two-family detached residences similar to the residence proposed herein and that the existing residences have 5'-0" side yards, therefore the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the site is also located within a New York State Department of Environmental Conservation ("DEC") Freshwater Wetland Adjacent Area and construction on the premises requires a permit issued by the DEC; and

WHEREAS, accordingly, the DEC issued NYSDEC Permit No. 2-6405-00563/00001, expiring December 31, 2017, authorizing the construction of the proposed two-family residence, parking pads and drywell and requiring the planting of native vegetation along the rear lot line as a mitigation measure; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, with regards to ZR § 72-21(d), the applicant submits that the shape and dimensions of the subject lot are the direct result of the mapping of the surrounding streets by the City of New York in or around 1964; and

WHEREAS, based on the documentation submitted by the applicant, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant notes that the lot area of the subject site is in excess of the minimum lot area required for a three-story two-family residence on the premises, pursuant to ZR § 107-42, that the proposed 5'-0" side yard is consistent with the neighborhood character, that the provision of a single parking space between the building wall and street wall on the Uncas Avenue side of the lot enables the proposal to comply with the group parking facility requirements requirements of ZR § 25-23 and, thus, submits that the proposal is the minimum needed to provide relief; and

WHEREAS, the Board agrees, in accordance with ZR § 72-21(e), that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR, Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA014R, dated 8/5/2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, in an R3X zoning district, the Special South Richmond District and a Lower Density Growth Management Area, the construction of a three-story, two-family detached residence with an open accessory parking space located between the building wall and the street wall, contrary to ZR §§ 107-462 and 25-622; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 19, 2016"—Five (5) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: side yard of a minimum width of 5'-0", as indicated on the BSA-approved plans;

THAT the proposed development will comply in all respects with the conditions of NYSDEC Permit No. 2-6405-00563/00001;

THAT substantial construction will be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2016.

189-15-BZ

APPLICANT – Sheldon Lobel, P.C., for 7311 Third Avenue, LLC, owner.

SUBJECT – Application August 17, 2015 – Special Permit (73-621) for the enlargement of the existing mixed use building contrary to floor area (ZR 33-121). R6B/C1-3 zoning district.

PREMISES AFFECTED – 7311 3rd Avenue, Block 5918, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated January 13, 2016, acting on DOB Application No. 321106860, reads in pertinent part:

> Proposed enlargement of an existing Residential building . . . exceeds floor area permissible pursuant to ZR Section 23-10 et seq. A special permit is available through the Board of Standards and Appeals pursuant to ZR 73-621 which addresses the proposed floor area non-compliance; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R6B (C1-3) zoning district the proposed enlargement of a four-story mixed use building which does not comply with the zoning requirements for floor area ratio contrary to ZR § 23-10 et seq.; and

WHEREAS, a public hearing was held on this application on April 5, 2016 after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 10, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the east side of Third Avenue, between 73rd Street and 74th Street, in an R6B (C1-3) zoning district, in the Special Bay Ridge District, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along Third Avenue, a depth of 100 feet, 2,000 sq. ft. of lot area and is improved upon by a four-story mixed use commercial and residential building; and

WHEREAS, the first floor of the building is occupied by a commercial retail use and the second through fourth floors contain a total of six residential units; and

WHEREAS, the existing building has approximately 3,613 sq. ft. of floor area, a floor area ratio ("FAR") of 1.81, and lot coverage of 45 percent; and

WHEREAS, the applicant proposes to enlarge the first floor of the subject building so that the floor area will increase to 4,393 sq. ft. (2.20 FAR); and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge building containing residential uses that existed on December 15, 1961; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted Certificates of Occupancy issued by the Department of Buildings ("DOB") for the subject building, the earliest of which dates to February 25, 1931; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available for the proposed enlargement; and

WHEREAS, ZR § 73-621 permits the enlargement of a building containing a residential use provided that the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the floor area ratio, the Board finds that the proposed floor area does not exceed 110 percent of the maximum permitted; and

WHEREAS, additionally, pursuant to ZR § 73-621, the enlargement of a building containing a residential use cannot create any new non-compliances, increase the amount or degree of any existing non-compliance, or exceed 110 percent of the maximum lot coverage permitted under the applicable bulk regulation of the; and

WHEREAS, the applicant represents that the proposal does not create new non-compliances, increase the amount or degree of any existing non-compliance, or exceed 110 percent of the maximum lot coverage; specifically, the applicant states that the proposed enlargement is a permitted obstruction pursuant to ZR § 33-23 and, therefore, does not change the existing lot coverage of the building, which, at 45 percent, is less than the 60 percent maximum lot coverage allowable at the premises pursuant to ZR § 23-145; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding

area; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-621 and 73-03, to permit, within an R6B (C1-3) zoning district the proposed enlargement of a four-story mixed use building which does not comply with the zoning requirements for floor area ratio contrary to ZR § 23-10 et seq.; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received April 28, 2016-Six (6) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,393 sq. ft. (2.20 FAR), as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT substantial construction shall be completed in accordance with ZR § 73-70; and

THAT the Department of Buildings must ensure, compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2016.

222-15-BZ
CEQR #16-BSA-031Q

APPLICANT – Akerman, LLP, for 8601 Roosevelt, LLC, owner; 8601 Roosevelt Ave. Fitness Group, LLC, lessee.

SUBJECT – Application September 16, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the existing building's ground and cellar floors. C2-3/R6 zoning district.

PREMISES AFFECTED – 86-09 Roosevelt Avenue, Block 1474, Lot 037, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated September 3, 2015, acting on Department of Buildings Application No. 421210175, reads in pertinent part:

> "Proposed Physical Culture Establishment is not permitted as-of-right in a C2-3/R6 zoning district per ZR Section 32-10 and therefore requires a ZR Section 73-36 special permit from the Board of Standards and Appeals"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a R6 (C2-3) zoning district, the operation of a physical culture establishment (PCE) on portions of the ground and cellar floor levels of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 5, 2016 after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the north side of Roosevelt Avenue, between 86th Street and 87th Street, in an R6 (C2-3) zoning district, in Queens; and

WHEREAS, the site has approximately 200 feet of frontage along Roosevelt Avenue, 100 feet of frontage along 86th Street, 100 feet of frontage along 87th Street, 20,000 sq. ft. of lot area, and is improved with a one-story plus cellar commercial building; and

WHEREAS, the proposed PCE will occupy 7,315 sq. ft. of floor area on the ground floor of the building and 6,757 sq. ft. of floor space in the cellar; and

WHEREAS, the proposed PCE will be accessible from a dedicated entrance at the ground floor level of the building fronting Roosevelt Avenue and access to the cellar floor from the ground floor will be provided by both stairs and an elevator; and

WHEREAS, the PCE will be operated as a Planet Fitness; and

WHEREAS, the applicant represents that the ground floor level will contain the entrance lobby, reception area, cardiovascular machines, weightlifting equipment, massage areas and tanning facilities and that the cellar level will contain additional cardiovascular machines, weightlifting machines and locker rooms; and

WHEREAS, the proposed hours of operation for the PCE are 24 hours a day, Sunday through Saturday; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and

issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has provided the Board with plans representing that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exits, local audible and visual alarms, and connection to a Fire Department-approved central station shall be installed throughout the entire PCE space; and

WHEREAS, the plans also indicate that the PCE will be fully sprinklered; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA031Q, dated September 16, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a R6 (C2-3) zoning district, the operation of a physical culture establishment on portions of the ground and cellar floor levels of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 27, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on May 17, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT fire safety measures shall be installed as shown on the Board-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2016.

224-15-BZ
APPLICANT – Sheldon Lobel, P.C., Peter Livanos, owner.
SUBJECT – Application September 23, 2015 – Special Permit (§73-622)for the enlargement of an existing single-family detached home which contrary to floor area and open space (ZR23-141) and side yard (ZR 23-461). R2 zoning district.
PREMISES AFFECTED – 37 82nd Street, located along 82nd Street between Harbor View Terrace and Narrows Avenue, Block 5975, Lot 125, Borough of Brooklyn.
COMMUNITY BOARD #10BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated January 13, 2016, acting on DOB Application No. 321151926, reads in pertinent part:

> Proposed enlargement of an existing residential building . . . exceeds floor area permissible pursuant to Z.R. Section 23-10, 23-141, and 23-461, et seq. A special permit is available through the Board of Standards and Appeals pursuant to Z.R. 73-622 which addressed the proposed floor area non-compliance; and

WHEREAS, this is an application under ZR §73-622 to permit, in an R2 zoning district and the Special Bay Ridge District, the proposed enlargement of a single-family detached residence that does not comply with the zoning requirements for floor area, open space, and side yards, contrary to ZR §§ 23-10, 23-141 and 23-461, et seq.; and

WHEREAS, a public hearing was held on this application on April 5, 2016, after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 10, Brooklyn, recommended approval of this application subject to the removal of the addition chimney proposed at the rear of the enlarged area; and

WHEREAS, the subject site is located on the north side of 82nd Street, between Harbor View Terrace and Narrows Avenue, in an R2 zoning district and the Special Bay Ridge District, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along 82nd Street, a depth of 100 feet, and 5,000 sq. ft. of lot area; and

WHEREAS, the site is improved with a two-story plus attic single-family residence with approximately 3,102 sq. ft. of floor area and a floor area ratio ("FAR") of 0.62; and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.
>
> The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject

application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant originally proposed to enlarge the first floor only, providing a roof deck accessible from the second floor and an additional chimney located at a rear corner of the enlarged residence; and

WHEREAS, in response to the concerns of the Community Board regarding the massing of the residence as proposed, specifically the appearance of the additional chimney, the applicant revised the design for the proposal; and

WHEREAS, the applicant now proposes to increase the floor area at both the first and second floors of the residence, incorporating the additional chimney into the building envelope, for a total of 3,564 sq. ft. of floor area and an FAR of 0.71, decrease the open space ratio at the site from 150 percent (3,744 sq. ft.) to 141 percent (3,514 sq. ft.), and maintain the existing side yards measuring approximately 10'-0" and 3'-9"; and

WHEREAS, at the subject premises, the maximum floor area permitted is 2,500 sq. ft. pursuant to ZR § 23-141(a), the maximum FAR permitted is 0.50 pursuant to ZR § 23-141(a), the minimum open space ratio permitted is 150 percent pursuant to ZR § 23-141(a), and the required total side yard width is 13'-0" and minimum width of any side yard is 5'-0" pursuant to ZR § 23-461(a); and

WHEREAS, with regards to the proposed 0.71 FAR, the applicant submits that of the 79 residences on the same tax lot as the premises and also in an R2 zoning district, 52 residences, or 66 percent, have an FAR greater than the 0.50 FAR permitted in the zoning district, and 25 residences, or 32 percent, have an FAR of 0.71 or greater; and

WHEREAS, the applicant represents that the revised design better integrates the additional chimney into the roofline of the enlargement and provides a chimney that is comparable to chimneys on other area residences; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R2 zoning district and the Special Bay Ridge District, the proposed enlargement of a single-family detached residence that does not comply with the zoning requirements for floor area, open space, and side yards, contrary to ZR §§ 23-10, 23-141 and 23-461, et seq.; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 2, 2016"-Eight (8) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 3,564 sq. ft. of floor area (0.71 FAR), a minimum open space ratio of 141 percent, and side yards with minimum widths of 10'-0" and 3'-9", all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 17, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2016.

252-15-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Yaakov Max, owner.

SUBJECT – Application November 2, 2015 – Special Permit (§73-622) to permit an enlargement of an existing two-family home to be converted to a single family home contrary to floor area and open space (ZR 23-141(b)); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1120 East 24th Street, Block 7623, Lot 053, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated October 15, 2015, acting on DOB Application No. 320625597, reads in pertinent part:

1. Proposed plans are contrary to ZR § 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%;
2. Proposed plans are contrary to ZR § 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%;
3. Plans are contrary to ZR § 23-461(a) in that the existing minimum side yard is less than the required minimum 5'-0";
4. Proposed plans are contrary to ZR § 23-47 in that the proposed rear yard is less than 30'-0"; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed enlargement and conversion of a two-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio ("OSR"), side yards, and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on February 9, 2016, after due notice by publication in *The City Record*, with a continued hearing on March 22, 2016, and then to decision on May 17, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of the application, provided that the applicant provide a distance of 3'-0" between the subject home and the garage located on the subject site; and

WHEREAS, the subject site is located on the west side of East 24th Street, between Avenue K and Avenue L, within an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 37'-6" of frontage along East 24th Street, a depth of 100 feet, and 3,750 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic and cellar, two-family residence with approximately 2,854 sq. ft. of floor area (0.76 FAR); and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space, floor area, side yard, rear yard* or perimeter wall height regulations, provided that:
>
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
>
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
>
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.
>
> The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing two-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to enlarge the subject building as follows: (1) increase the floor area of the structure from 2,854 sq. ft. (.76 FAR) to 3,831 sq. ft. (1.02 FAR) (the maximum permitted floor area ratio is .5 FAR pursuant to ZR § 23-141(a)); (2) reduce the OSR on the site from a non-complying 80-percent (2,293 sq. ft.) to 50-percent (1,883 sq. ft.) (the minimum OSR is 150-percent pursuant to ZR § 23-141(a)); (3) maintain the non-complying 2'-2" front yard; (4) maintain the non-complying northern side yard (which has a width of 4'-0") and extend it along the length of the building and maintain the non-complying southern side yard (which has a width of 7'-4") and extend it along the length of the building (two side yards with a minimum width of 5'-0" are required, with a total width of 13'-0" pursuant to ZR § 23-461(a)); and (5) reduce the existing rear yard from 36'-8" to 20'-10" (at the ground floor) and 26'-0" (at the second floor) (a 30'-0" rear yard is required pursuant to ZR § 23-47); and

WHEREAS, the applicant states that the second floor of the existing building was illegally enlarged by previous owners, and represents that the illegal enlargement (a room at the front of the second floor of the building measuring 16'-5" x 10'-0") will be removed; and

WHEREAS, the applicant represents that the modified proposal will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, in support of its application, the applicant submitted a Floor Area Ratio Study, a Lot Coverage Study, and a Rear Yard Study; and

WHEREAS, the applicant notes that, as demonstrated in the Floor Area Ratio Study, there are 35 properties with FARs of between .75 FAR and 1.46 FAR within a 400' radius of the subject site; and

WHEREAS, the applicant notes that, as demonstrated in the Rear Yard Study, of the 41 homes on the subject block, 22 have rear yards with a depth of between 0'-0" and 28'-0"; the applicant notes further that lots 34 and 37 on the subject block (which abut the subject site at the rear yard), each have rear yards of 20'-0"; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed enlargement and conversion of a two-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio ("OSR"), side yards, and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received April 27, 2016" – Eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,831 sq. ft. (1.02 FAR), an OSR of 50-percent (1,883 sq. ft.), a building height of 34'-0", a front yard of 2'-2" at the first floor and 15'-0" at the second floor, side yards of 7'-4" and 4'-0", and a rear yard with a minimum depth of 20'-10" at the ground floor and 26'-0" at the second floor, all as illustrated on the BSA-approved plans;

THAT demolition of the exterior walls of the existing building beyond that which is shown on the BSA-approved plans shall void this special permit;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 17, 2020;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2016.

30-14-BZ

APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.

SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.

PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for decision, hearing closed.

99-14-BZ

APPLICANT – Arisa Realty Co., X LLC, owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) for a height and setback variance to facilitate the construction of a new 21-story, 19 FAR hotel building. C6-4 zoning district in the (Special Hudson Yards District).

PREMISES AFFECTED – 432-434 West 31st Street, aka 433-435 West 30th Street, corner of West 31st Street and Dyer Avenue, Block 728, Lot(s) 50, 55, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for decision, hearing closed.

64-15-BZ

APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.

SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.

PREMISES AFFECTED – 39 Clarkson Street, north side of

Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to Jume 28, 2016, at 10 A.M., for continued hearing.

71-15-BZ

APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.

SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.

PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

253-15-BZ

APPLICANT – Law Office of Jay Goldstein, for Abraham Leitner, owner.

SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 99 East 22nd Street, Block 07586, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JUNE 21, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 21, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

515-89-BZ
APPLICANT – Sheldon Lobel, P.C., for 50 East 78, LP, owner.
SUBJECT – Application November 25, 2016 – Extension of Term (11-411) of a previously approved variance permitting the operation of an art gallery in the basement of an existing building; Waiver of the Rules R8B (LH-1A) zoning district.
PREMISES AFFECTED – 50 East 78th Street, Block 1392, Lot 47, Borough of Manhattan.
COMMUNITY BOARD #8M

APPEALS CALENDAR

108-15-A thru 110-15-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Glebe Partners LLC, owners.
SUBJECT – Application May 13, 2015 – Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings commenced under prior zoning district regulations. R6A zoning district.
PREMISES AFFECTED – 2317, 2319, 2321 Glebe Avenue, Block 3971, Lot(s) 167, 166, 165, Borough of Bronx.
COMMUNITY BOARD #10BX

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
PREMISES AFFECTED – 5, 11, 17, 23 Herbert Street and 14 Holtein Avenue, Block 6681, Lot(s) 30, 31, 40, 41, 34, Borough of Staten Island.
COMMUNITY BOARD #3SI

2016-1218-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Georgiana L. DiMauro Living Trust, owner; FAS Building Corp., lessee.
SUBJECT – Application February 10, 2016 – To permit the proposed development consisting of a two-story building with warehouse use (UG 16) on the ground floor and office use (UG 6) on the upper floor contrary Article 3 Section 36 of the General City Law. M1-1 (SRD) zoning district.
PREMISES AFFECTED – 97 Storer Avenue, Block 7311, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI

JUNE 21, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday, afternoon, June 21, 2016, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

92-15-BZ
APPLICANT – Eric Palatnik, P.C., for Buffalo Avenue Realty Associates, LLC, owner.
SUBJECT – Application April 23, 2015 – Variance (§72-21) proposed redevelopment of existing Use group hospital with the use of USG3 nursing home and sky exposure plain. R6 zoning district.
PREMISES AFFECTED – 170 Buffalo Avenue, between St. Marks Avenue and Prospect Place, Block 1362, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

216-15-BZ
APPLICANT – Eric Palatnik, P.C., for Gasteria Oil Corp., owner.
SUBJECT – Application September 2, 2015 – Special Permit (§73-211): to authorize the construction of an automotive service station and accessory convenience store on an irregularly shaped lot, located within an C2-4 zoning district.
PREMISES AFFECTED – 205 West Fordham Road, West 6 Frame Road bordering Sedgwick Avenue. Block 3236, Lot 0220. Borough of the Bronx.
COMMUNITY BOARD #7BX

219-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alvin Berger, owner; Zhang Ming Wu, lessee.
SUBJECT – Application September 10, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Kings Spa*) on the second floor of a two-story building. M1-1 zoning district.
PREMISES AFFECTED – 945 61st Street, between Fort Hamilton and Ninth Avenue, Block 5715, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

251-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for JAR Realty Company, LP, owner; Naturopathica Holistic Health, Inc., lessee.
SUBJECT – Application November 2, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Naturopathica Holistic Health*) spa in a portion of the first floor at the subject premises. M1-6 zoning district.
PREMISES AFFECTED – 127 West 26th Street, Block 802, Lot 22, Borough of Manhattan.
COMMUNITY BOARD #4M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, MAY 24, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

732-41-BZ
APPLICANT – Eric Palatnik, P.C., for Leemilts Petroleum, owner; BP Products North America, Inc., lessee.
SUBJECT – Application April 17, 2015 – Amendment (§11-411) seek to reopen and amend a previously granted variance for residence Use Group 16 gasoline service station with accessory uses, located within an R4 zoning district.
PREMISES AFFECTED – 100-17 Beach Channel Drive. Block 01615, Lot 040, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance, previously granted by the Board permitting a gasoline service station (Use Group 16) with accessory uses, to legalize the existing convenience store, revise signage and permit the addition of a third fuel dispenser, a canopy, an ADA-accessible parking stall and ramp, and a concrete walk; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, and then to decision on May 24, 2016; and

WHEREAS, Vice-Chair Hinson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Queens, recommended approval of the application; and

WHEREAS, the subject site is located on the southeast corner of Beach Channel Drive and Beach 101st Street, in an R4 zoning district, in Queens; and

WHEREAS, the site has approximately 150 feet of frontage along Beach Channel Drive, 90 feet of frontage along Beach 101st Street, 80 feet of frontage along Beach 100th Street, 12,760 sq. ft. of lot area, and is occupied by a gasoline service station with a one-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 14, 1942 when, under the subject calendar number, the Board granted a variance permitting the parking and storage of no more than 40 cars at the existing gasoline service station; and

WHEREAS, on April 6, 1943, under the subject calendar number, the Board amended the resolution and granted a two month extension for the completion of work on the site; and

WHEREAS, on September 25, 1951, under the subject calendar number, the Board amended the variance to permit the additional use of motor vehicle repair at the premises; and

WHEREAS, on March 25, 1952, April 7, 1953 and April 20, 1954, under the subject calendar number, the Board granted applications for extensions of time to complete work; and

WHEREAS, on July 27, 1954, under the subject calendar number, the Board amended the variance to permit the demolition of an accessory building and reconstruction of the existing gasoline service station with a new accessory building to include lubritorium, car washing, motor vehicle repairs, storage and sale of accessories, and an office; and

WHEREAS, on July 12, 1955, under the subject calendar number, the Board amended the resolution to permit the use of porcelain enamel on the face of the accessory building in lieu of bricks, as previously proposed; and

WHEREAS, on September 20, 1955, under the subject calendar number, the Board amended the resolution to permit a revision in the location of the toilets in the gasoline service station; and

WHEREAS, the applicant currently seeks to legalize the existing convenience store; revise signage on the site; and to add a third fuel dispenser, a canopy over the fuel dispensers, an ADA-accessible parking stall and ramp, and a concrete walk; and

WHEREAS, the applicant represents that the date of the conversion of the accessory building on the premises to the existing convenience store use is unknown, but occurred sometime prior to 2007 and that the convenience store consists of 790 sq. ft. of retail floor area within a completely enclosed building, which satisfies TPNN #10/99 and qualifies the store as a permissible accessory use to the gasoline service station; and

WHEREAS, the applicant represents that the proposed alterations to the premises are permitted pursuant to ZR § 11-412; and

WHEREAS, based on the foregoing, the Board has determined that the requested amendments to the variance are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated April 4, 1942, to legalize the existing convenience store, revise signage and permit the addition of a third fuel dispenser, a canopy, an ADA-accessible parking stall and ramp, and a concrete walk, *on condition* that all work will substantially conform to drawings, filed with this application marked "Received May 4, 2016"—Six (6) sheets; and *on further condition*:

THAT lighting shall be directed so as to not shine onto neighboring properties and shields shall be provided as illustrated on the BSA-approved plans;

THAT all light fixtures shall be NYC approved;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction

objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2016.

853-53-BZ
APPLICANT – Eric Palatnik, P.C., for Knapp Street, LLC., owner;
SUBJECT – Application March 11, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) (Mobil) which expired on June 18, 2015; Waiver of the Rules. C-2/R3-2 zoning district.
PREMISES AFFECTED – 2402/16 Knapp Street, Block 7429, Lot 10, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for decision, hearing closed.

698-59-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 8, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on December 9, 2015. C2-2/R4 zoning district.
PREMISES AFFECTED – 2773 Nostrand Avenue, northeast corner of Kings Highway and Nostrand Avenue. Block 7684, Lot 22. Borough of Brooklyn.
COMMUNITY BOARD #18BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for continued hearing.

528-64-BZ
APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.
SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.
PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for adjourned hearing.

173-92-BZ
APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.
SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar. C2-8A zoning district.
PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.
COMMUNITY BOARD #8M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for adjourned hearing.

30-00-BZ
APPLICANT – Fried, Frank, Harris Shriver & Jacobson LLP, for The Trustees of Columbia University in the City of New York, lessee.
SUBJECT – Application February 17, 2016 – Extension of term of a previously granted variance granted pursuant to §72-21 of the zoning resolution which permitted an open parking lot (Use Group 8) which expired on February 6,

2016. R7-2 zoning district.
PREMISES AFFECTED – 465-469 West 165th Street and 458-464 West 166th Street, Block 2111, Lot(s) 53, 54, 55, 57, 71, 72, 73, Borough of Manhattan.
COMMUNITY BOARD #12M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

318-06-BZ
APPLICANT – Eric Palatnik, LLP for Sun Company Inc. (R&M), owner.
SUBJECT – Application August 9, 2013 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on May 22, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on November 22, 2007; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 49-05 Astoria Boulevard, Northeast corner of Astoria Boulevard and 49th Street. Block 1000, Lot 35, Borough of Queens.
COMMUNITY BOARD #1Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 2, 2016, at 10 A.M., for decision, hearing closed.

189-09-BZ
APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.
SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.
PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

191-15-A thru 195-15-A
APPLICANT – Sheldon Lobel, P.C., for 8105 Kneeland Avenue, LLC, owner.
SUBJECT – Application August 19, 2015 – Proposed development of a five two-story two-family attached residential buildings partially within the bed of an unmapped street, contrary to Article 3, Section 35 of the General City Law.
PREMISES AFFECTED – 51-99, 51-101, 51-105, 51-107, 51-111 Manilla Street, Block 2467, Lot(s) 205, 206, 207, 208 & 209, Borough of Queens
COMMUNITY BOARD #4Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decisions of the Department of Buildings dated July 20, 2015, acting on DOB Application Nos. 421144087, 421147299, 421147306, 421147271, and 421147743, read in pertinent part:

> The proposed street extension has been mapped for 10 years but the City has yet to acquire title and is not duly placed on the official map of the City of New York therefore:
> A) No building permit can be issued pursuant to Section 35 of General City Law
> B) The land within the mapped street is not yielding a fair return to the property owner; and

WHEREAS, this is an application to permit the development of five two-story two-family attached residences partially within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on May 24, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 4, Queens recommends approval to this application on the condition that the property be maintained and the site plans be approved by the appropriate city agencies; and

WHEREAS, the site is located at the corner of Manilla Street and Kneeland Avenue, in an R4 zoning district, in Queens; and

WHEREAS, the site has approximately 121 feet of frontage along Manilla Street, 107 feet of frontage along Kneeland Avenue, a total lot area of 11,939 sq. ft., and is unimproved; and

WHEREAS, the site previously consisted of Block 2467 Lots 206, 207, 208, 209 and Block 2472 Lots 175, 176, 177,

178, but was reapportioned pursuant to an Application for Mergers or Apportionments, dated March 1, 2015, to the New York City Department of Finance as Block 2467 Lots 205, 206, 207, 208 and 209, each lot fronting Manilla Street; and

WHEREAS, the site is traversed by a mapped but unbuilt portion of Kneeland Avenue; and

WHEREAS, the applicant proposes to construct five two-story two-family attached residences, one on each of the five adjacent lots, portions of which will be built within the bed of the mapped but unbuilt portion of Kneeland Avenue; and

WHEREAS, the applicant represents that the proposal complies with all bulk regulations applicable in an R4 zoning district and provide a total of 10,440 sq. ft. of residential floor area; and

WHEREAS, the applicant submits that the mapped but unbuilt portion of Kneeland Avenue was the subject of a de-mapping action by the New York City Department of City Planning; and

WHEREAS, by letter dated December 3, 2015, the New York City Department of Transportation ("DOT") states that the City does not have title to the mapped but unbuilt portion of Kneeland Avenue at the subject location;

WHEREAS, by letter dated March 28, 2016, the Fire Department states that it has no objections provided that (1) the proposed development includes the installation of a sprinkler system throughout each of the five proposed attached residential buildings and (2) a hydrant is located within 250 feet of all main front entrances and that if any main front entrance is more than 250 feet from a hydrant the applicant will install one; and

WHEREAS, by letter dated April 12, 2016, the New York City Department of Environmental Protection ("DEP") states that it has no objections to the subject application and that no City sewer or City water main exist in the bed of Kneeland Avenue at the premises; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated July 20, 2015 acting on DOB Application Nos. 421144087, 421147299, 421147306, 421147271, and 421147743, by the power vested in it by Section 35 of the General City Law, limited to the decisions noted above *on condition* that construction will substantially conform to the drawings filed with the application marked "Received May 2, 2016"–One (1) sheet; and *on further condition*:

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 3, 2020;

THAT a sprinkler system shall be installed throughout each of the five proposed attached residential buildings;

THAT fire hydrants shall be located within 250 feet of all main front entrances;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2016.

232-15-A

APPLICANT – Sheldon Lobel, P.C., for Thor 840 West End Avenue LLC, owner.

SUBJECT – Application October 1, 2015 – Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district.

PREMISES AFFECTED – 840 West End Avenue aka 259 West 101 Street, Block 1873, Lot 01, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

244-15-A

APPLICANT – Jay A. Segal, Esq., for 677 Fifth Avenue Corporation, owner.

SUBJECT – Application October 9, 2015 – Appeal challenging NYC Department of Building's determination that a video display wall with in a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).

PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for adjourned hearing.

ZONING CALENDAR

102-14-BZ
CEQR #14-BSA-154K
APPLICANT – Moshe M Friedman, P.E., for Cong. Tiferes Avrahom D'Zidichov, owner.
SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the extension of house of worship (UG4) (*Congregation Tifreres Avahom D'Zidichov*) in an existing building on the lot of a three story brick building located within an R3-2zoning district.
PREMISES AFFECTED – 4017 Avenue P, northerly side of Avenue P 40' westerly from the corner of the Northerly side of Avenue and the Westerly side of Coleman Street, Block 07859, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated May 6, 2014, with regards to the subject site reads in pertinent part:

> Proposed extension of an existing approved house of worship (UG 4) in an R3-2 district is contrary to:
> ZR 24-11 Floor Area
> ZR 24-35 Side Yard
> ZR 24-36 Rear Yard
> And requires a variance from the Board of Standards and Appeals as per Section 72-21; and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R3-2 zoning district, the expansion of a house of worship use in a three-story building contrary to ZR §§ 24-11, 24-35 and 24-36; and

WHEREAS, a public hearing was held on this application on July 28, 2015, after due notice by publication in *The City Record*, with continued hearings on November 17, 2015, February 2, 2016, and March 22, 2016 and then to decision on May 24, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 18, Brooklyn, recommends disapproval of this application; and

WHEREAS, the application is brought on behalf of Congregation Tiferes Avrahom D'Zidichov (the "Synagogue"); and

WHEREAS, the subject site is located on the north side of Avenue P, between Kimball Street and Coleman Street, in an R3-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along Avenue P, a depth of 100 feet, total lot area of 4,000 sq. ft., and is occupied by a three-story building used as a synagogue (UG 4) and rabbi's residence; and

WHEREAS, the existing building has approximately 4,659 sq. ft. of floor area, a floor area ratio ("FAR") of 1.17, side yards of 8'-9.5" and 4'-1", and a rear yard of 32'-11"; and

WHEREAS, the applicant initially sought to expand the existing building with a one story plus mezzanine addition at the rear, resulting in a building with 7,084 sq. ft. total floor area (1.77 FAR); and

WHEREAS, in response to concerns from neighborhood residents and the Board, the applicant altered the plans to, *inter alia*, reduce the apparent massing of the addition and provide more clearly demarcated outdoor areas at the front of the premises; and

WHEREAS, the applicant now proposes an extension at the rear of the first and second floors of the building, which will add 2,637 sq. ft. of floor area to the synagogue use in the building and provide additional space for the main synagogue at the first floor level and a new women's section of the synagogue at the second floor level; and

WHEREAS, the proposed building will have 7,296 sq. ft. total floor area (1.83 FAR), have 0'-0" side yards and be built to the rear lot line at the first and second floor levels; and

WHEREAS, pursuant to ZR § 24-11, the maximum allowable floor area at the premises is 4,000 sq. ft. (1.0 FAR); pursuant to ZR § 24-35, two side yards with a minimum width of 8'-0" are required at the premises; and pursuant to ZR § 24-36, a rear yard with a minimum depth of 30'-0" is required at the subject premises; and

WHEREAS, because the proposed enlargement does not comply with the applicable bulk regulations for the use in the subject zoning district, the applicant seeks the requested variance; and

WHEREAS, the applicant notes that the subject application does not propose any expansion to the rabbi's residence at the second and third floor levels of the building; and

WHEREAS, the applicant states that the variance sought is necessary to meet the Synagogue's programmatic needs, specifically, to provide the religiously required separate entrance for female congregants and accommodate the Synagogue's growing congregation, which currently numbers 150 families and is anticipated to grow by approximately 5 percent each year; and

WHEREAS, the applicant further states that the current synagogue space is being used to its maximum capacity and that, with a capacity of only 74 persons, the space is inadequate even for its current congregation; and

WHEREAS, accordingly, the applicant submits that the existing building envelope creates a practical difficulty and unnecessary hardship in developing the subject site in conformance with the underlying district regulations because it prevents the Synagogue from providing sufficient worship area for its congregation or the necessary separate entrances for male and female congregants and that without the requested waivers the building would have to be

demolished and replaced with a new, smaller building with even less worship space than that available in the existing building; and

WHEREAS, the proposed extension will increase the floor area available for worship at the first floor of the Synagogue from 888 sq. ft. to 2,124 sq. ft., accommodating 141 worshippers, create a women's synagogue of 872 sq. ft., accommodating 58 worshippers, create a new cellar area with a capacity of 52 persons for the provision of supervised child care during certain religious services, and provide a new women's entrance in the eastern side yard; and

WHEREAS, the applicant states that the requested waivers are essential to its ability to meet its programmatic needs; and

WHEREAS, the Board acknowledges that the Synagogue, as a religious institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational or religious institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of the application; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the Synagogue create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the Synagogue is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that, pursuant to ZR § 72-21(c), the variance, if granted, would not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, specifically, the applicant submitted a neighborhood character study demonstrating that buildings with sides yards that do not comply with the underlying zoning regulations are common in the area and that approximately 72 percent of buildings within 400 feet of the subject site exceed the maximum applicable FAR; and

WHEREAS, in response to neighborhood concerns regarding the proposal's potential to increase the demand for parking and double-parking in the immediate area, the applicant submitted a parking study stating that parking demand on account of the Synagogue's use of the premises will be greatest during the five weekday morning services held between 7 a.m. and 10 a.m. and the five weekday evening services held between 7 p.m. and 11 p.m., and that such demand already exists because those services are already held on the premises; and

WHEREAS, the parking study also includes the results of surveys conducted to assess the availability of parking during peak hours, which revealed sufficient open curbside spaces within walking distance of the premises, and concludes that the proposal will not create new or significantly exacerbate any existing parking shortage in the neighborhood; and

WHEREAS, notwithstanding the conclusions of the submitted parking study, the applicant has agreed to utilize a parking monitor to ensure that congregants do not double-park and request a No Parking Zone from the Department of Transportation ("DOT") for the front of the building during peak hours; and

WHEREAS, in addition to neighborhood concerns regarding the overflow of congregants to neighboring properties and related noise, the applicant added fencing and landscaping at the front yard portion of the property to the proposal and has agreed to keep all activities within those bounds and use a monitor to ensure that the amount of gathering outdoors is kept to a minimum; and

WHEREAS, based on the above, the Board agrees that the proposal will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states, per ZR § 72-21(d), that the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the applicant; and

WHEREAS, the applicant represents, consistent with ZR § 72-21(e), that the proposal requests the minimum variance needed to accommodate its current and projected programmatic needs; and

WHEREAS, accordingly, the Board finds that the proposal is the minimum necessary to allow the applicant to fulfill the programmatic needs of the Synagogue; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 14BSA154K, dated May 5, 2014; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact

Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 to permit, in an R3-2 zoning district, the expansion of a house of worship use in a three-story building contrary to ZR §§ 24-11, 24-35 and 24-36; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 20, 2016"—Seventeen (17) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: maximum floor area of 7,296 sq. ft. (1.83 FAR), minimum side yards of 0'-0", and a minimum rear yard of 0'-0", as illustrated on the BSA-approved plans;

THAT synagogue space in the cellar, first floor, and second floor shall be equipped with sprinklers;

THAT hardwired area smoke detectors connected to an FDNY-approved central station shall be installed throughout the entire building;

THAT trash shall be stored inside the building prior to and until commercial pickup;

THAT sound attenuations shall be installed in the building to maintain 45 dBA and sound rating STC 35 standard, as noted on the BSA-approved plans;

THAT the site shall be maintained free of debris;

THAT all activities shall be kept within the confines of the property;

THAT the Synagogue shall designate an employee or congregant as monitor of the premises and such monitor shall prevent congregants from gathering outside of the subject building and shall take all reasonable steps necessary to reduce noise at the premises before and after services and events;

THAT the Synagogue shall request that DOT designate a "No Parking Zone" during peak hours at the front of the building;

THAT no double parking shall be permitted in front of the building;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2016.

253-15-BZ

APPLICANT – Law Office of Jay Goldstein, for Abraham Leitner, owner.

SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 99 East 22nd Street, Block 07586, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated January 14, 2016, acting on DOB Application No. 320627826, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed floor area ratio (FAR) exceeds the permitted 50%;
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%;
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0"; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area, open space, and rear yard, contrary to ZR §§ 23-141 and 23-47, et seq.; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, with continued hearings on May 3, 2016 and May 17, 2016, and then to decision on May 24, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue I and Avenue J, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along East 22nd Street, a depth of 100 feet, and 5,000 sq. ft. of lot area; and

WHEREAS, the site is improved with a three-story plus cellar single-family residence with approximately 2,869 sq. ft. of floor area and a floor area ratio ("FAR") of 0.57; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area to 4,996 sq. ft. (1.0 FAR), reduce the open space ratio ("OSR") from 128 percent to 57 percent and decrease the existing 22'-0" rear yard to 20'-0"; and

WHEREAS, at the subject premises, the maximum floor area permitted is 2,500 sq. ft. and the maximum FAR permitted is 0.50 pursuant to ZR § 23-141(a), the minimum OSR is 150 percent pursuant to ZR § 23-141(a), and a 30'-0" minimum rear yard is required pursuant to ZR § 23-47; and

WHEREAS, the applicant represents that the existing non-complying 22'-0" rear yard has existed at the premises since at least 1930; and

WHEREAS, the applicant further represents that the proposed 1.0 FAR, OSR of 57 percent and 20'-0" rear yard are consistent with the character of the neighborhood; and

WHEREAS, in support of these contentions, the applicant submitted a comparison study of properties located within 400 feet of the subject premises demonstrating that, with regards to FAR, of the 92 properties within the survey area improved with one-or two-family homes, 12 homes (13 percent) have an FAR between 0.75 and 1.0 and 3 homes (3 percent) have an FAR greater than 1.0; that, with regards to the open space, properties within the survey area have an average of 36 percent of open space as compared to the 43 percent of open space proposed herein; and that, with regards to rear yard dimensions, of the 31 properties on the same social block as the subject premises improved with one- or two-family homes, 28 properties (90 percent) have a rear yard of less than 30'-0", including the property located immediately to the south of the subject premises, which has a rear yard of 0'-0"; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area, open space, and rear yard, contrary to ZR §§ 23-141 and 23-47, et seq.; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 20, 2016"-Twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 4,996 sq. ft. of floor area (1.0 FAR), a minimum open space ratio of 57 percent, and a minimum rear yard of 20'-0", all as illustrated on the BSA-approved plans;

THAT all existing first and second floor joists shall remain;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 24, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2016.

41-14-BZ
APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.
SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.
PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

158-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.
SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.
PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for adjourned hearing.

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

39-15-BZ
APPLICANT – Bryan Cave, LLP, for Chun Woo Realty Corp., Owner.
SUBJECT – Application March 3, 2015 – Variance (§72-21) to permit the construction of a new 12 story, 37,166 sq., ft. office building (UG 6) with ground floor retail (UG 6) contrary to floor area (§33-122) and setback requirements (§32-24). C6-2A zoning district.
PREMISES AFFECTED – 74-76 Eighth Avenue, southeast corner of 8th Avenue and West 14th Street. Block 618, Lot 5. Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to May 24, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, MAY 24, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

93-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Shalom Stein, owner.
SUBJECT – Application April 27, 2015 – Variance (§72-21) to construct a new UG4 Synagogue at the premises to certain bulk and parking regulations and waiver of the floor area side yard , located within an R2X zoning district.
PREMISES AFFECTED – 1011 Reads Lane, between Cornaga Court and Mobile Road, Block 15553, Lot 28, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

271-15-BZ
APPLICANT – Philip L. Rampulla, for Lester Realty Associates Corp., owner.
SUBJECT – Application December 10, 2015 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16). C2-1/R3-2 zoning district.

PREMISES AFFECTED – 1842 Victory Boulevard, Block 713, Lot 101, Borough of Staten Island.
COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

278-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Rafael Levy, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461). R2 zoning district.
PREMISES AFFECTED – 3556 Bedford Avenue, between Avenue N and Avenue O, Block 7678, Lot 72, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4209-BZ
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2016-4211-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JUNE 28, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 28, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

548-69-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America Inc.
SUBJECT – Application January 15, 2016 – Amendment of a variance which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to expand the existing convenience store and make various changes to the site. C2-3/R6B zoning district.
PREMISES AFFECTED – 107-10 Astoria Boulevard, Block 1694, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q

APPEALS CALENDAR

238-15-A thru 243-15-A
APPLICANT – Jeffrey Geary, for Ed Sze, owner.
SUBJECT – Application October 8, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district.
PREMISES AFFECTED – 102-04, 08, 12, 16, 20, 24 Dunton Court, Block 14240, Lot(s) 1306, 1307, 1308, 1309, 1310, 1311, Borough of Queens.
COMMUNITY BOARD #14Q

JUNE 28, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday, afternoon, June 28, 2016, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

156-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Pamela Equities Corp., owner; NYHRC, lessee.
SUBJECT – Application July 8, 2015 – Special Permit (73-36) to reestablish a special permit to allow an existing physical culture establishment ("*NYHRC*") within a portion of an existing eleven story commercial building located in a C5-2(MID) and C5-2(MID) zoning district.
PREMISES AFFECTED – 18/20 East 50th Street, Block 1285, Lot 59, Borough of Manhattan.
COMMUNITY BOARD #5M

221-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 55 Washington Street, LLC, owner; Equinox 55 Washington, Inc., lessee.
SUBJECT – Application September 14, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*Equinox*) within an existing nine story commercial building. M1-2/R8A(MX-2) zoning district.
PREMISES AFFECTED – 41/55 Washington Street, (aka 28/56 Adams Street, 97/119 Front Street, Block 38, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK

249-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Starrstruck Holding LLC, owner; Rock Starr LLC d/b/a MetroRock, lessee.
SUBJECT – Application October 8, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*MetroRock*) to be located on the first floor of an existing building. M1-1 zoning district.
PREMISES AFFECTED – 321 Starr Street, Block 3190, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #4BK

2016-1210-BZ
APPLICANT – Philip L. Rampulla, for Hylan Ross, LLC, owner; KTN Hylan, LLC, lessee.
SUBJECT – Application January 14, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Retro Fitness*) on the second floor of an existing commercial building. C4-1 zoning district.
PREMISES AFFECTED – 2590 Hylan Boulevard, Block 3969, Lot 57, Borough of Staten Island.
COMMUNITY BOARD #2SI

Ryan Singer, Executive Director

REGULAR MEETING
THURSDAY MORNING, JUNE 2, 2016
10:00 A.M.

Present: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

853-53-BZ
APPLICANT – Eric Palatnik, P.C., for Knapp Street, LLC., owner;
SUBJECT – Application March 11, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) (Mobil) which expired on June 18, 2015; Waiver of the Rules. C-2/R3-2 zoning district.
PREMISES AFFECTED – 2402/16 Knapp Street, Block 7429, Lot 10, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Chair Perlmutter.....1
THE RESOLUTION –

WHEREAS, this is an application for the waiver of the Board's Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy for a previously approved variance amendment permitting the enlargement of an automotive service station with accessory uses, which expired on June 18, 2015; and

WHEREAS, a public hearing was held on this application on May 24, 2016, after due notice by publication in *The City Record*, and then to decision on June 2, 2016; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of Knapp Street and Avenue X, in an R3-2 (C2-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 140 feet of frontage along Knapp Street, 100 feet of frontage along Avenue X, total lot area of 14,000 sq. ft., and is improved with an automotive service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 22, 1954 when, under the subject calendar number, the Board granted a variance to permit the erection and maintenance of a gasoline service station and a one-story accessory building for a term of 15 years, expiring June 22, 1969; and

WHEREAS, subsequently, the variance was amended and the term extended, most recently on August 11, 2009 for a term of 10 years, expiring October 23, 2019; and

WHEREAS, on June 18, 2013, under the subject calendar number, the variance was once again amended to permit the conversion of existing automotive service bays to an accessory convenience store and an enlargement of the accessory building on condition that, *inter alia*, a new Certificate of Occupancy was obtained by June 18, 2015; and

WHEREAS, such time to obtain a Certificate of Occupancy having expired, the applicant now seeks a two year extension; and

WHEREAS, additionally, the applicant seeks a waiver of Board Rule of Practice and Procedure § 1-07.3(d) to permit the filing of the subject application more than thirty days after the expiration of the time to obtain a Certificate of Occupancy; and

WHEREAS, the applicant represents that all construction related to the June 18, 2013 variance amendment has been completed, that the premises passed a Department of Buildings ("DOB") final inspection and that the remaining technical reports and sign offs are being coordinated in order to obtain a Certificate of Occupancy; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated June 22, 1954, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Certificate of Occupancy to June 2, 2018; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received May 24, 2016'–Five (5) sheets; and *on further condition*:

THAT all relevant conditions from prior grants, including, but not limited to, the term of the variance and that there be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic, appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy for the premises shall be obtained by June 2, 2018;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 2, 2016.

229-84-BZ
APPLICANT – Troutman Sanders LLP, for High Definition Realty, LLC, owner; Bally Total Fitness of Greater New York, lessee.
SUBJECT – Application October 26, 2015 – Extension of Time to obtain a Certificate of Occupancy and Amendment (§73-11) of a previously granted special permit (§73-36) to reflect a change in ownership from Bally Total Fitness to 24 Hour Fitness, Inc., Also to include the replacement of accessory business signs to reflect the 24 Hour Fitness logo, located. M1-1 zoning district.
PREMISES AFFECTED – 75-28 Queens Boulevard, Block 2450, Lot 0001, Borough of Queens.
COMMUNITY BOARD #4Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda…….....4
Negative:.....0
Absent: Chair Perlmutter.....1
THE RESOLUTION –

WHEREAS, this is an application for a re-opening, an amendment to a previously granted special permit for a physical culture establishment ("PCE") to reflect a change in ownership and the replacement of accessory signage and for an extension of time to obtain a Certificate of Occupancy; and

WHEREAS, a public hearing was held on this publication on April 5, 2016, after due notice by publication in *The City Record*, and then to decision on June 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 4, Queens, recommends approval of the application; and

WHEREAS, the subject site is located at the southwest corner of Queens Boulevard and Jacobus Street, in an M1-1 zoning district, in Queens; and

WHEREAS, the site has approximately 206 feet of frontage along Queens Boulevard, 145 feet of frontage along Kneeland Street, 220 feet of frontage along Jacobus Street, 38,525 sq. ft. of lot area, and is occupied by a one-story commercial building; and

WHEREAS, the subject PCE occupies 11,853 sq. ft. of floor area within the building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 27, 1984 when, under the subject calendar number, the Board granted a special permit to allow a PCE use in the existing building for a term of 10 years, expiring November 27, 1994; and

WHEREAS, subsequently, and under the same calendar number, the special permit has been extended for additional ten year terms, most recently on October 28, 2014, when the Board granted an extension of term set to expire on November 27, 2024; and

WHEREAS, the Board's October 28, 2014 grant also permitted a change in the PCE's hours of operation to Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., and Saturday through Sunday, 8:00 a.m. to 9:00 p.m. and was conditioned on the PCE obtaining a Certificate of Occupancy by October 28, 2015; and

WHEREAS, the instant application seeks an amendment to the special permit to recognize a change in ownership of the PCE, from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., as well as a replacement of accessory business signs to reflect the new ownership and an extension of time to obtain a Certificate of Occupancy;

WHEREAS, the application was timely filed pursuant to Rule of Practice and Procedure § 1-07.3(d)(1); and

WHEREAS, the applicant notes that it is not proposing any changes to the hours of operation approved by the Board on October 28, 2014 or to the area occupied by the PCE within the existing building; and

WHEREAS, the applicant represents that the proposed accessory signs are in compliance with the applicable zoning regulations; and

WHEREAS, the applicant further submits that the PCE complies with the ADA and that the following safety measures are currently installed and in operation at the facility: a fire alarm control panel, manual pull stations, local audible and visual fire alarms, area smoke detectors, an automatic wet sprinkler system, fire extinguishers, emergency lighting, and internally illuminated directional exit signs; and

WHEREAS, by letter dated June 1, 2016, the Fire Department states that the building is fully sprinklered, that the system was inspected and is functioning properly, and that they have no objection to the approval of the application; and

WHEREAS, the Department of Investigation has performed a background check on the new corporate owner and operator of the establishment and principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendments and extension of time are appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated November 27, 1984, as amended through October 28, 2014, so that as amended the resolution reads: "to permit a change in ownership of the premises to 24 Hour Fitness, Inc., replacement of accessory business signage and a one-year extension of time to obtain a Certificate of Occupancy, expiring June 2, 2017, *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received October 26, 2015' –Three (3) sheets; and *on further condition*:

THAT there will be no further change in ownership or operating control of the PCE without prior approval from the

Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the hours of operation shall be Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 P.M., and Saturday through Sunday, 8:00 a.m. to 9:00 p.m.;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT the applicant shall obtain a Certificate of Occupancy by June 2, 2017;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 2, 2016.

318-06-BZ

APPLICANT – Eric Palatnik, LLP for Sun Company Inc. (R&M), owner.

SUBJECT – Application August 9, 2013 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on May 22, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on November 22, 2007; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 49-05 Astoria Boulevard, Northeast corner of Astoria Boulevard and 49th Street. Block 1000, Lot 35, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure, a reopening, an extension of term for a previously granted variance permitting the operation of an automotive service station, which expired on May 22, 2012, and an extension of time to obtain a Certificate of Occupancy, which expired on November 22, 2007; and

WHEREAS, a public hearing was held on this application on September 9, 2014, after due notice by publication in *The City Record*, with continued hearings on December 9, 2014, February 24, 2015, June 23, 2015, September 22, 2015, February 23, 2016, and May 24, 2016, and then to decision on June 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Queens, recommends denial of this application due to the complaints of adjoining property owners regarding the maintenance of the premises; and

WHEREAS, the subject site is located on the northeast corner of Astoria Boulevard and 49th Street, in an R4 zoning district, in Queens; and

WHEREAS, the site has approximately 156 feet of frontage along Astoria Boulevard, 139 feet of frontage along 49th Street, 13,234 sq. ft. of lot area, and is occupied by an automotive service station (Use Group 16); and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 19, 1957 when, under BSA Cal. No. 576-56-BZ, the Board granted a variance permitting the erection and maintenance of a gasoline service station and accessory uses for a term of 15 years, expiring February 19, 1972; and

WHEREAS, subsequently, under BSA Cal. No. 576-56-BZ, the Board amended the resolution to permit modifications to the site and to extend the term, most recently on September 8, 1982, when the grant was extended for a term expiring February 19, 1992; and

WHEREAS, on May 22, 2007, under the subject calendar number, the Board granted an application for the reinstatement of the lapsed variance pursuant to ZR § 11-411 for a term of five years, to expire May 22, 2012, conditioned, among other things, on the site obtaining a Certificate of Occupancy by November 22, 2007; and

WHEREAS, the term of the variance and time to obtain a Certificate of Occupancy having expired, the instant application seeks an extension of the term of the variance for an additional 10 years and an extension of time to obtain a Certificate of Occupancy; and

WHEREAS, additionally, the applicant seeks a waiver of the Board's Rules of Practice and Procedure §§ 1-07.3(b)(2) and 1-07(d)(2); and

WHEREAS, in accordance to Rule § 1-07.3(b)(2), the applicant has demonstrated that the use has been continuous since the expiration of the term and that substantial prejudice would result without a waiver; and

WHEREAS, in response to the concerns of the community and the Board, the applicant made modification to the site, specifically, removed excess signage, installed new fencing along the perimeter of the property, restored existing curb cuts to dimensions approved by previous

Board grants, made the restroom provided on the premises less inviting to trespassers, relocated the dumpster to the northeast back portion of the lot, installed a right turn only sign, and installed additional landscaping on the site; and

WHEREAS, additionally, the applicant provided an affidavit attesting to a prohibition against trucks, other than those awaiting service, being permitted to park at the subject site; and

WHEREAS, the Board finds that a 10 year extension of the term of the variance and an extension of time to obtain a Certificate of Occupancy are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated May 22, 2007, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on May 22, 2022 and an extension of time to obtain a Certificate of Occupancy until June 2, 2017; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received May 25, 2016'-Five (5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from May 22, 2012, expiring May 22, 2022;

THAT the a curb shall be installed along the rear of the premises, as indicated on the BSA-approved plans;

THAT the parking areas shall be striped;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by June 2, 2017; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 2, 2016.

238-07-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Graduate Center Foundation Housing Corporation, LIC, owner.

SUBJECT – Application March 14, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a 12 story mixed use residential/commercial building and a 6 story graduate student and faculty housing building, contrary to use and bulk set to expire on September 23, 2016. M1-4 and M1-4/R6A (LIC).

PREMISES AFFECTED –5-17 47th Avenue, Block 28, Lot(s) 12, 15, 17, 18, 21, Borough of Queens.

COMMUNITY BOARD #2Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction pursuant to a variance, previously granted by the Board pursuant to ZR § 72-21, permitting the construction of a 12-story mixed-use residential and commercial building (the "Mixed Use Building") and a 6-story student dormitory and faculty housing building (the "Dormitory Building") that does not comply with the use a bulk regulations applicable to a site located partially within an M1-4 zoning district and partially within an M1-4/R6A zoning district in the Special Long Island City Mixed-Use District; and

WHEREAS, a public hearing was held on June 2, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is bound by 5th Street to the west, 46th Road to the north, and 47th Avenue to the south, with total lot area of 66,838 sq. ft., including approximately 20,000 sq. ft. of lot area located in an M1-4/R64 zoning district and 46,838 sq. ft. of lot area located in an M1-4 zoning district, in the Special Long Island City Mixed-Use District, in Queens; and

WHEREAS, the Board has exercised jurisdiction over the site since September 23, 2008 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 permitting the construction of a 12-story mixed-used residential and commercial building and 6-story student dormitory and faculty housing building connected by a cellar-level accessory parking garage contrary to ZR §§ 42-00, 117-21, 23-145, 24-632, 23-633, 23-663 and 23-711; and

WHEREAS, on June 10, 2009, the Board issued a letter of substantial compliance to permit modifications to the approved plans and acknowledge that while the project was originally filed at the Department of Buildings ("DOB") under a single permit application (NB # 402661945), the project was subsequently filed as two separate buildings with the proposed mixed-use building retaining the original application number and the proposed dormitory and faculty housing building filed under new NB # 420006111; and

WHEREAS, on December 8, 2009, the Board issued another letter of substantial compliance stating that it had no objection to the issuance of a temporary and permanent certificate of occupancy for the mixed use building prior to the construction of the dormitory and faculty housing building and the connection between the buildings; and

WHEREAS, on February 15, 2011, under the subject calendar number, the Board amended the variance to clarify

that either building may be constructed prior to the construction and occupancy of the other building and the connection between the buildings; and

WHEREAS, on July 24, 2012, under the subject calendar number, the Board granted an extension of time to complete construction and obtain a Certificate of Occupancy, expiring September 23, 2016; and

WHEREAS, on February 25, 2014, under the subject calendar number, the Board granted an application for an additional amendment to the variance eliminating the cellar previously proposed as connecting the two buildings and incorporating other design changes; and

WHEREAS, pursuant to the Board's July 2012 Resolution, construction was to have been substantially completed at the site by September 23, 2016; and

WHEREAS, the applicant represents that the Mixed-Use Building has been constructed on Lot 21 and has received several temporary Certificates of Occupancy, the most recent of which (CO # 402661945T010) is dated June 10, 2015 and expired on September 8, 2015; and

WHEREAS, the applicant now seeks the subject extension of time to complete construction of the Dormitory Building on Lots 12, 15, 17, 18 and 121 (the "Subject Premises") only; and

WHEREAS, the applicant states that the sidewalks adjacent to the Dormitory Building have been replaced in response to community concerns regarding conditions at the Subject Premises, but that construction on the Dormitory Building has otherwise not yet commenced; and

WHEREAS, in further response to neighbors' requests, the applicant has agreed to monitor the Subject Premises on a monthly basis to remove debris, paint over graffiti and otherwise ensure that the Subject Premises is properly maintained; and

WHEREAS, the applicant represents that construction on the Dormitory Building has been delayed because fee ownership of the Subject Premises was not acquired until July 30, 2015 and the full financing for the Dormitory Building has yet to be secured; and

WHEREAS, the applicant submits that construction on the Dormitory Building will commence upon arrangement of the necessary financing; and

WHEREAS, the Board notes that Lots 21 and 121 have satisfactorily completed the New York State Brownfield Cleanup Program administered by the New York State Department of Environmental Conservation ("NYSDEC") and that the NYSDEC issued a Certificate of Completion for those lots, dated December 28, 2010; and

WHEREAS, the Board additionally notes that the premises have undergone remediation efforts monitored by the New York City Office of Environmental Remediation ("OER") and that OER has issued a Final Notice of Satisfaction dated May 9, 2013 for Lots 21 and 121, but has yet to issue a Final Notice of Satisfaction for Lots 12, 15, 17 and 18; and

WHEREAS, by letter dated April 16, 2015, OER states that upon receipt of a Stipulation Letter describing current development plans and confirming plans for vapor mitigation, composite cover, and implementation of an OER-approved Site Management Plan, OER will issue a Notice to Proceed to DOB and, after all actions are complete, OER will review a Closure Report prior to issuing a Final Notice of Satisfaction for Lots 12, 15, 17 and 18; and

WHEREAS, the applicant represents that it will provide the requested Stipulation Letter and pursue the issuance of a Final Notice of Satisfaction from OER for Lots 12, 15, 17 and 18 prior to commencing construction of the Dormitory Building on the Subject Premises; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated September 23, 2008, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to September 23, 2020; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction will be completed and a certificate of occupancy obtained by September 23, 2020;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 2, 2016.

47-10-BZ

APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.

SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.

PREMISES AFFECTED – 895 Zerega Avenue, aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda……....4

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction in connection with a variance, previously granted pursuant to ZR § 72-21, permitting a manufacturing use on a portion of a split zoning lot located in a residential zoning district; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, with continued hearings on December 1, 2015, March 8, 2016, and May 3, 2016 and then to decision on June 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of Zerega Avenue and Story Avenue, partially within an M1-1 zoning district and partially within an R3-2 zoning district, in the Bronx; and

WHEREAS, the site has approximately 103 feet of frontage along Zerega Avenue, 191 feet of frontage along Story Avenue, 15,462 sq. ft. of lot area located within an M1-1 zoning district, 4,270 sq. ft. of lot area located within an R3-1 zoning district, and a total lot area of 19,732 sq. ft.; and

WHEREAS, the site is currently utilized as a Use Group 16 warehouse and gas storage facility, located on the portion of the site within an M1-1 zoning district, with accessory truck access and parking provided on the portion of the site located within an R3-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 12, 2011 when, under the subject calendar number, the Board granted a variance to permit the accessory truck access and parking use on the portion of the site located within an R3-2 zoning district; and

WHEREAS, by letter dated August 13, 2013, the Board granted an amendment to the variance permitting minor modifications to the previously approved plans that substantially complied with the Board's April 12, 2011 grant; and

WHEREAS, pursuant to ZR § 72-23, construction was to be substantially completed by April 12, 2015; and

WHEREAS, construction was not substantially completed by that time, the applicant presently seeks a two-year extension of time to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, the applicant represents that construction will take an estimated 8 months from the time the Department of Buildings ("DOB") issues the relevant permits; and

WHEREAS, by letter dated May 31, 2016, the Fire Department states that it had no objection to the approval of the subject application; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the original grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 12, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction and extension of time to obtain a Certificate of Occupancy, both to April 12, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received April 13, 2016'- Eight (8) sheets; and *on further condition*:

THAT construction shall be completed by April 12, 2017;

THAT landscaping shall be provided and planted, as indicated on the BSA-approved plans;

THAT the metal fencing shall be painted and kept graffiti-free;

THAT the bollards on the site are filled as indicated on the BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained by April 12, 2017;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 2, 2016.

1255-80-BZ

APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.

SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for adjourned hearing.

173-04-BZ

APPLICANT – Eric Palatnik, P.C., for 365 Park South LLC, owner.

SUBJECT – Application January 16, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment use in the cellar of an existing twelve-story building which expired on November 23, 2014; Waiver of the Rules. M1-6 zoning district.

PREMISES AFFECTED – 5 West 37th Street aka 5-9 West

37th Street, Block 839, Lot 34, Borough of Manhattan.
COMMUNITY BOARD #5M
THE VOTE TO CLOSE HEARING –
Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..4
Negative:.....0
Absent: Chair Perlmutter ……...1

ACTION OF THE BOARD – Laid over to June 14, 2016, at 10 A.M., for decision, hearing closed.

80-05-BZ
APPLICANT –Aura Wellness Spa Corp., for Erol Devli, owner; Rockford Chun, lessee.
SUBJECT – Application December 15, 2015 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Aura Wellness Spa Corp.) which expired on November 15, 2015. C6-6 and C6-4.5 zoning district.
PREMISES AFFECTED – 49 West 33rd Street, Block 835, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #5M

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

65-15-BZ
APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.
SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.
PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Application Denied.
THE VOTE TO GRANT –
Affirmative Commissioner Chanda:.....1
Negative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....3
Absent: Chair Perlmutter.....1
THE RESOLUTION –
WHEREAS, the decision of the Department of Buildings ("DOB"), dated November 19, 2015, acting on DOB Application No. 121186929, reads in pertinent part:

1. ZR 23-40 – Proposed rear yard for interior lot of less than 30 feet is not permitted;
2. ZR 23-851 – Proposed inner court of less than 1200 square feet with dimensions of less than 30 feet is not permitted;
3. ZR 23-861 – Proposed legally required windows within 30 feet of rear and side lot lines are not permitted; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site within an R10A zoning district, the conversion of an existing individual New York City Landmark into a mixed use residential and community facility building which does not comply with the zoning regulations for required rear yards, minimum inner court dimensions, and minimum distance between legally required windows and any wall, rear lot line or side lot line, contrary to ZR §§ 23-40, 23-851 and 23-861; and

WHEREAS, this application was heard concurrently with a companion appeal filed by the applicant under BSA Cal. No. 66-15-A, to vary requirements of Multiple Dwelling Law § 277; and

WHEREAS, a public hearing was held on this application on September 1, 2015, after due notice by publication in *The City Record*, with continued hearings on October 20, 2015, December 1, 2015, January 12, 2016, February 9, 2016, February 23, 2016, and March 8, 2016, and then to decision on June 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed site and neighborhood examinations of the premises and surrounding area; and

WHEREAS, Community Board 7, Manhattan, found that the applicant met the findings of ZR § 72-21(a), (c), (d) and (e), but did not meet the findings of ZR § 72-21(b) and, thus, recommends disapproval of this application; and

WHEREAS, members of the surrounding neighborhood, as well as the general public, have submitted testimony in opposition to the application (the "Opposition," certain of whom were represented by counsel), citing the following concerns: (1) that the subject site is not unique as required by ZR § 72-21(a); (2) that the applicant's financial analysis is flawed, lacking in credibility, and understates the anticipated financial return; (3) that there are other feasible as-of-right uses for the property that would not require the requested variance and the applicant made no bona fide marketing efforts to pursue such alternatives; (4) specifically, a former pastor of a church previously occupying the Building, and many of his congregants, expressed an interest in acquiring the Building and continuing its use as a house of worship and, further, disputed the applicant's suggestion that the Building was obsolete for its intended use; (5) that the proximity of proposed windows to the residential building immediately north of the site will create tenement-like conditions for neighboring residents; (6) that the proposed conversion will create excess noise and have adverse effects on neighborhood air quality; (7) that the hardship complained of is self-created because the owners purchased the property knowing of its landmark status; (8) that the proposal is not the minimum variance necessary to alleviate any alleged hardship; and

WHEREAS, State Senator Tony Avella, Assembly Member Daniel O'Donnell, City Council Member Mark

Levine, and Manhattan Borough President Gale Brewer have submitted testimony in opposition to the proposal; and

WHEREAS, the Director of Sacred Sites at the New York Landmarks Conservancy and the New York Chapter of the American Institute of Architects have submitted letters in support of the proposal; and

WHEREAS, the subject site is located on the northwest corner of Central Park West and West 96th Street, in an R10A zoning district, in Manhattan; and

WHEREAS, the site has approximately 101 feet of frontage along Central Park West, 150 feet of frontage along West 96th Street, 15,138 sq. ft. of lot area, and is occupied by a six-story building, formerly known as the First Church of Christ, Scientist, designated as a New York City Individual Landmark (the "Building"); and

WHEREAS, the Building has approximately 52,266 sq. ft. of floor area, was designed in the Beaux Arts Classical style by Carrère & Hastings, Architects for the First Church of Christ, Scientist, and constructed between 1899 and 1903; and

WHEREAS, the Building has been vacant since 2014 when its most recent occupant, Crenshaw Christian Center New York ("Crenshaw"), terminated its use of the building as a house of worship; and

WHEREAS, the applicant originally proposed converting the Building to residential use with 39 residential units (11 one-bedroom units, 14 two-bedroom units, 11 three-bedroom units, and 3 four-bedroom units) on eight floors with a total of 83,723 sq. ft. of floor area (5.53 FAR); a primary entrance at the west side of the Building; 37 new masonry windows including 18 new windows on the north elevation and 13 new windows on the west elevation that did not comply with ZR § 23-861; and removal of a portion of the fourth floor roof to create a 980 sq. ft. interior courtyard (the "Original Proposal"); and

WHEREAS, the Landmarks Preservation Commission ("LPC") issued Certificate of Appropriateness #16-8807, dated March 17, 2015 (the "C of A"), approving modifications to the Building that would facilitate the Original Proposal; and

WHEREAS, in response to questions from the Board regarding the great number of floors inserted into the Building, the applicant represented that the additional floor slabs were located, upon suggestion by the LPC, to correspond with the exterior windows and that an alternate design with more duplexes and triplexes that could take advantage of the large arched windows on the north, east and south elevations was considered, but abandoned because it left a significant amount of uninhabitable space in the center of the Building; and

WHEREAS, these questions were prompted by the Board's concerns that the Original Proposal, which dedicated the entire building to residential use, did not present the minimum variance necessary to afford the applicant relief, as required by ZR § 72-21(e) and that a mixture of uses, as well as a redesign of residential unit layouts, could result in a project that would still enable the applicant to make a reasonable return, but involve a more modest request for waivers from the Zoning Resolution; and

WHEREAS, in response to the Board's questions and concerns, the applicant revised the proposal (the "Revised Proposal"); and

WHEREAS, the Revised Proposal eliminated five residential units on the cellar and first floor levels leaving a total of 34 residential units on eight floors totaling 77,361 sq. ft. of floor area (5.11 FAR), provided 8,515 sq. ft. of community facility on the cellar and first floor levels (3,908 sq. ft. of floor space in the cellar and 4,607 sq. ft. of floor area (0.30 FAR) on the first floor), relocated the primary residential entrance to West 96th Street, reduced the number of legally required windows that did not comply with ZR § 23-861 and eliminated the request for a rear yard waiver at the cellar and first floor levels; and

WHEREAS, now, in connection with the Revised Proposal, the applicant seeks the following waivers: (1) rear yard (a 30'-0" minimum rear yard is required as per ZR § 23-40, a rear yard of 0'-0" is proposed at the second through eighth floors); (2) inner court (an inner court must be a minimum of 1,200 sq. ft. as per ZR § 23-851, a 980 sq. ft. inner court is proposed); (3) legally required windows (ZR § 23-861 requires legally required windows to be at least 30'-0" from a rear or side lot line, both existing and proposed new windows on the west elevation are between 10'-8" and 13'-9" from the western lot line and the existing and proposed new windows on the north elevation are between 5'-0" and 20'-6.5" from the northern lot line); and

WHEREAS, the applicant states that, upon the Board's granting the foregoing waivers, the following non-compliance will be deemed waived by DOB: minimum distance between legally required windows and any wall in an inner court (ZR § 23-863 requires that legally required windows opening on an inner court be at least 30'-0" from any opposite wall on the same zoning lot, the applicant proposes windows approximately 10'-8" from the inner court wall); and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the functional obsolescence of the building as a house of worship is a unique condition which creates an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the applicant states that the populations of contemporary religious congregations are shrinking and aging and, thus, struggling to keep up with the expenses and staffing needs of large houses of worship and that the Building is too large for a modern religious congregation to effectively maintain; and

WHEREAS, in support of its contention that maintenance of the Building as a house of worship is infeasible, the applicant provided a letter dated March 10, 2014 from Crenshaw, the site's former owner, to the LPC stating that the sale of the property was "imperative" because, despite examining the property, Crenshaw had been unprepared for, and unable to raise the funds necessary to pay, the high costs of operating the landmarked Building and that much of the restoration work that had been identified by Crenshaw's consultants as necessary in 2006

was previously identified in a 1990 study for, and never completed by, Crenshaw's predecessor in interest at the site, First Church of Christ, Scientist (the "Crenshaw Letter to the LPC") ; and

WHEREAS, the Crenshaw Letter to the LPC also stated that Crenshaw Christian Center Church of Los Angeles County, Crenshaw's parent church located in Los Angeles, heavily subsidized Crenshaw's use of the Building, advancing approximately $8,000,000 on Crenshaw's behalf since Crenshaw acquired the subject site in 2004, and that the vast expense of maintaining the Building, an estimated $240,000 per month, prevented Crenshaw from achieving its spiritual mission and carrying out its charitable endeavors; and

WHEREAS, Crenshaw also submitted a letter to the Board, dated January 29, 2016, reiterating the reasons for their sale of the property (the "Crenshaw Letter to the BSA") and discussing the Petition filed in New York State Supreme Court, New York County on February 21, 2014 (Sup. Ct., Index No. 151509/2014) by Crenshaw and Crenshaw Christian Center Church of Los Angeles seeking judicial leave to sell the Building (the "Petition"), a copy of which was provided to and reviewed by the Board and confirms the statements made in both the Crenshaw Letter to the LPC and the Crenshaw Letter to the BSA; and

WHEREAS, the Crenshaw Letter to the BSA and the Petition further contradict claims by the Opposition that a religious congregation was interested and financially capable of re-establishing the Building as a house of worship, stating that the congregation in 2004, the time of the sale to applicant, overwhelmingly supported sale of the Building (of the 553 notices sent to active parishioners in 2004 informing them of a special meeting on the vote to sell, 319 members attended the meeting, 265 members cast ballots and 260 members voted in favor of the sale) and that members of the Opposition who appeared at Board hearings were not members of Crenshaw in 2004 and thus have limited, if any, knowledge of the circumstances of the sale; and

WHEREAS, in response to questions posed by the Board regarding whether deferred maintenance motivated the suggestion that the Building is functionally obsolete, the applicant maintained that it is the diminished size of modern religious congregations, the immense cost of maintaining and operating the Building, a massive and aged facility, and the inability of a small congregation to support and maintain the Building that creates an unnecessary hardship in utilizing the Building as it was intended and necessitates the instant variance requests; and

WHEREAS, in further support of its contention, the applicant cited the merging of parishes by the Archdiocese of New York and provided the following examples of former houses of worship converted to residential use: St. Peter's Church in Cobble Hill, Brooklyn; a dormitory and the West Building at the General Theological Seminary in Chelsea, Manhattan; 70 Hester Street, a former Romanian Synagogue in the Lower East Side, Manhattan; and the Mount Pleasant Baptist Church on the Upper West Side, Manhattan, which relocated its worship space to a lower floor and converted the remainder of the building to residential use; and

WHEREAS, additionally, the applicant notes that the presence of the existing building poses a further hardship in accommodating residential use, a use that is permitted as-of-right at the site, in compliance with applicable zoning regulations; and

WHEREAS, the Building was constructed prior to the enactment of the 1916 Zoning Resolution and does not comply with regulations applicable to residential uses in the subject R10A zoning district, specifically, the site has no rear yard and existing windows are less than 30'-0" from the rear and side lot lines; and

WHEREAS, the applicant represents that complying with zoning regulations, *inter alia*, demolishing a 30 ft. by 50 ft. portion of the building across several floors to create the 30'-0" rear yard required pursuant to ZR § 23-40, would compromise the structural integrity of the Building and diminish its architectural significance; and

WHEREAS, the Board notes that it has consistently held, and the applicant acknowledges, that landmark status alone does not constitute a unique physical condition for the purposes of ZR § 72-21(a); and

WHEREAS, based on the above, the Board finds that the functional obsolescence of the building as a house of worship and the presence of the existing building, constructed prior to the enactment of the Zoning Resolution, create unnecessary hardship and practical difficulty in developing the site in compliance with applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided a financial analysis of an as-of-right community facility development (the "As-of-Right Scenario") in which the existing building was renovated to provide 77,936 sq. ft. of gross floor area of rentable community facility Grade A office space; and

WHEREAS, the applicant's financial report dated July 24, 2015 (the "July 2015 Report") utilized the capitalization of income method to determine that the value of the As-of-Right Scenario is $41,614,000, including gross income of $5,845,000 (based on a $75 per square foot valuation of the community facility office space), and estimated the total development cost of the As-of-Right Scenario, including estimated property value, hard construction costs and soft construction costs, at $86,168,000; and

WHEREAS, thus, the July 2015 Report concludes that the As-of-Right Scenario would result in a loss of $44,554,000 and be infeasible; and

WHEREAS, the applicant's subsequent analysis of the As-of-Right Scenario in a financial report dated November 4, 2015 (the "November 2015 Report") maintained a capitalized value of $41,614,000 and gross income of $5,845,000, but despite a decrease in development costs to $81,371,000, the analysis still revealed a loss of $39,757,000; and

WHEREAS, based on the evaluations of the As-of-Right Scenario in the July 2015 Report and the November 2015 Report, the Board determined that because of the site's unique physical conditions, development of the lot in conformity with the provisions of the Zoning Resolution will not yield a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant submits that the residential and community facility uses proposed are as-of-right in the subject zoning district and compatible with the surrounding area; specifically, immediately to the west and north of the subject site are 18-story and 6-story multiple dwelling buildings and the area within a 400 foot radius is characterized by residential uses, community facilities, and Central Park; and

WHEREAS, the applicant represents that the alterations to the building envelope are minimal, consisting of only a small enlargement at the fourth floor and a raising of the height of a portion of the roof; and

WHEREAS, the applicant further represents that the restoration work contemplated in coordination with the Revised Proposal will address years of deterioration and, in fact, improve the visual resources of the area; and

WHEREAS, the Opposition submits that the application will have an adverse impact on the area, specifically that the minimal distance between the windows on the north elevation of the subject building and the building immediately to the north of the subject site, 370 Central Park West, will create tenement-like conditions and cause light, noise and privacy issues; and

WHEREAS, the Opposition concedes that windows on the north elevation of the Building already exist, but submit that they are stained glass and translucent, but that windows installed for the residential use will be transparent and, thus, cause more disruption to neighbors' enjoyment of their property; and

WHEREAS, the Board notes that the proposed use of the subject site is as-of-right and is consistent with the residential character of the surrounding neighborhood; and

WHEREAS, the Board notes that, as evidenced by the C of A, changes to the exterior will be minimal and consistent with the historic character of the Building; and

WHEREAS, based on the foregoing, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board notes that acquiring property knowing that it is subject to land use controls and regulations cannot, alone, constitute a self-created hardship pursuant to ZR § 72-21(d); and

WHEREAS, the Board also notes, in response to claims by the Opposition that the applicant's knowledge of the Building's landmark status makes their claimed hardship self-created, that the obsolescence of the Building as a house of worship, not its landmark status, is the hardship claimed of by the applicant that necessitates the subject variance and, further, that the small size, advanced age and limited financial capacity of modern religious congregations to support the Building, as cited by the applicant, are circumstances that cannot be attributed to the applicant; and

WHEREAS, thus, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, with respect to ZR § 72-21(e), the applicant represents that the Revised Proposal is the minimum variance required to afford relief; and

WHEREAS, the Board notes that the applicant submitted multiple financial analyses, prepared by two different financial advisors, in connection with this application, addressing not only the change in the mix of proposed uses at the site as set forth in the Original Proposal and the Revised Proposal), but also in response to Board questions and concerns regarding, *inter alia*, development costs, property value, economic assumptions, and condominium sale prices; and

WHEREAS, in the July 2015 Report's analysis of the Original Proposal of 39 residential units and 83,723 sq. ft. of floor area, the estimated value of the Original Proposal was $122,154,000 and the estimated total development costs of the Original Proposal was $100,627,000, resulting in a projected profit of $21,527,000; and

WHEREAS, the July 2015 Report concluded that the applicant would realize a 6.42 percent annualized return on its total investment pursuant to the Original Proposal; and

WHEREAS, at hearing, the Board raised questions concerning the potential undervaluation of the condominium sales, which the July 2015 Report estimated would sell for an average of $1,744 per square foot based on adjustments made to recent condominium sale prices that the Board found did not appropriately consider the Central Park West location of the subject site or the cachet associated with a converted landmarked building; and

WHEREAS, the Board questioned whether upon re-evaluation of the condominium sale prices, the proposal could include community facility space; and

WHEREAS, in addition, in its analysis of both the As-of-Right Scenario and Original Proposal, the July 2015 Report used the cost methodology—a sum of the value of the land based on comparable sales of similar properties, development rights, and the depreciated value of the existing building—to value the subject site at $51,714,880; and

WHEREAS, the Board notes that the actual purchase price of the subject site is not considered for purposes of valuing the land because the Board recognizes that a purchase price reflects a variety of factors particular to the seller and the purchaser and is thus unreliable for financial analysis purposes; and

WHEREAS, based on comparable sales, the July 2015 Report estimated a land value of $25,116,900 and a depreciated value of the existing building of $11,375,155;

and

WHEREAS, the maximum FAR permitted at the subject site is 10.0, permitting a total of 151,380 sq. ft. of floor area, and because the Original Proposal utilized only 83,723 sq. ft. of floor area, the applicant suggested that the remaining 67,657 sq. ft. of unused floor area at the site represented unused transferable development rights valued at $15,222,825; and

WHEREAS, at hearing, the Board questioned the inclusion of development rights in the site value where there were no feasible receiving sites for those rights and requested that their value be omitted from the estimated land value; and

WHEREAS, in response to the Board's concerns, the applicant provided a the November 2015 Report which eliminated the development rights in the computation of the site value, but increased the estimated land value to $29,303,050—an increase of more than $4 million based on an increase in the estimated value per square foot of floor area from the $300/sq. ft. used in the July 2015 Report to $350/sq. ft. based on the discovery of "additional representative comparables" and a representation that the prior comparables used "did not include appropriate adjustments for time and inconsistencies for adjustments related to location and zoning"; and

WHEREAS, the November 2015 Report also included two new categories of hard construction costs not included in the previous analysis: asbestos abatement, at an estimated cost of $4,049,275, and restorative work to the façade, estimated at $1,158,755, for a total increase in development costs of more than $5 million; and

WHEREAS, at hearing, the Board questioned the timing of the discovery of the additional development costs and the validity of the assumptions made in the financial analyses theretofore presented and continued to voice concerns regarding the undervaluation of the condominium units; and

WHEREAS, the Board questioned whether the restorative work items accurately reflected LPC requirements or being completed by the applicant voluntarily, and whether these costs, along with the asbestos remediation costs, were being added to balloon the cited development costs and minimize the apparent financial return of the Revised Proposal; and

WHEREAS, in response to the Board's skepticism, the applicant stated that the additional construction costs were an oversight and inadvertently overlooked because the previous set of numbers presented to the Board "worked"; and

WHEREAS, those issues notwithstanding, the Board closed the record subject to a final submission by the applicant; and

WHEREAS, in response to the Board's comments, the applicant submitted a further revised financial analysis dated January 15, 2016 (the "January 2016 Report") which applied an increased adjusted average sales price of $1,908 per square foot to the analysis of the residential units, a change which resulted in an annualized return on total investment of 7.96 percent; and

WHEREAS, on February 9, the Board voted to defer its decision until February 23; and

WHEREAS, by letter dated February 19, the applicant requested a further deferral of the Board's decision, to March 8, "to allow the multiple parties within the project team to assess the next steps" for the application; and

WHEREAS, the Board agreed to defer the decision to March 8, but, by letter dated February 29, the applicant requested withdrawal of the application without prejudice in order to "reassess the extent of the relief sought" in the application "and to examine the potential for other uses for the property"; and

WHEREAS, pursuant to the Board's Rules of Practice and Procedure § 1-12.2, while the Board may consider an applicant's request to withdraw an application at any time before the Board's final determination, after the hearing is closed the Board may permit withdrawal without prejudice for good cause only; and

WHEREAS, having found that the applicant had not shown good cause for withdrawal, the Board denied the request, but reopened the hearing to allow the applicant to make a final submission of new information not previously considered by the Board; and

WHEREAS, the applicant submitted its final financial analysis, by a second financial consultant, dated April 26, 2016 (the "April 2016 Report") citing a total project cost for the Revised Proposal of $104.3 million; applying an average sales contract price for the residential units of $1,928 per square foot and an average price of $916 per square foot for the community facility space; and projecting a profit of $19.2 million, a 4.6 percent annualized rate of return; and

WHEREAS, the April 2016 Report changed a number of assumption in its analysis of the Revised Proposal (including increasing the construction period by 8 months, applying a 7 percent interest rate on the Revised Proposal where a 5 percent interest rate was applied to the As-of-Right Scenario, and increasing the appliance allowance per unit by $25,000), but wholly adopted the analysis of the As-of-Right Scenario from the July 2015 Report; and

WHEREAS, while the Board acknowledges that the applicant has finally addressed issues concerning a proper valuing of the condominium units sales, a majority of the Commissioners concluded that the increase in the development costs were unjustified; and

WHEREAS, the Board notes that the development costs set forth in the April 2016 Report were in excess of the development costs cited in the July 2015 Report, when more than $15 million of transferable development rights, rights for which the Board found there was no market, were included in the computation of the site value; and

WHEREAS, a majority of the Commissioners took issue with the April 2016 Report's application of a 7 percent interest rate to the Revised Proposal and its adoption of the 5 percent interest rate applied to the As-of-Right Scenario in previous versions of the applicant's financial analyses (including the July 2015 Report) when the applicant has submitted, and the Board has accepted, that the As-of-Right

Scenario is risky at best and financially infeasible at worst; and

WHEREAS, as justification for the 7 percent interest rate applied to the Revised Proposal, the applicant provided the Board with two loan commitment letters specific to the Revised Proposal citing an assumed interest rate of 7 percent; and

WHEREAS, the prime rate at the time of these hearings was 3.5 percent and, because the prime rate is subject to change, the Board has traditionally permitted financial experts to use a 5 percent interest rate; the Board reasoned that the application of a 7 percent interest rate is wholly unjustified, despite the fact that two lenders have indicated their interest in lending to applicant at that rate; and

WHEREAS, the Board notes that higher interest rates are most commonly associated with higher risk projects and the notion that the applicant would obtain a lower interest rate loan for a project with a negative return on investment (the Original Proposal) than it could for a proposal with a positive return (the Revised Proposal) is illogical and rejected by the Board; and

WHEREAS, further, the Board notes that it does not accept loan commitment letters for the sake of development cost calculations in the same way it does not consider actual purchase price in site valuation calculations; and

WHEREAS, a majority of the Commissioners conclude that the disconnectedness between the analysis of the Revised Proposal in the April 2016 Report and that report's adoption of the July 2015 Report analysis of the As-of-Right Scenario raises substantial credibility issues and renders the Board unable to accept the validity of the April 2016 Report; and

WHEREAS, at hearing, one Commissioner stated that the applicant justified the assumptions set forth in April 2016 Report, that the Revised Proposal represents a specialty project that is riskier than perceived by other Commissioners, that the Revised Proposal strikes an appropriate balance between residential and community facility use and that the conversion as therein proposed would be a positive addition to the neighborhood; and

WHEREAS, nevertheless, based on the financial analyses heretofore presented and discussions at hearing, a majority of the Board is unable to find, as it must per ZR § 72-21(e), that the Revised Proposal represents the minimum variance and that there is no lesser variance scenario in which the applicant could be afforded relief; and

Therefore it is Resolved, the application to permit, on a site within an R10A zoning district, the conversion of an existing individual New York City Landmark into a mixed use residential and community facility which does not comply with zoning regulations for required rear yards, minimum inner court dimensions, and minimum distance between legally required windows and any wall, rear lot line or side lot line, contrary to ZR §§ 23-40, 23-851 and 23-861 is hereby *denied*.

Adopted by the Board of Standards and Appeals, June 2, 2016.

66-15-A

APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.

SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.

PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application Denied.

THE VOTE TO GRANT –

Affirmative Commissioner Chanda:.....1

Negative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....3

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of §§ 277(1)(b), (2)(c), (6)(b), (7)(b)(i)(A), (7)(b)(ii) and (7)(d) of the Multiple Dwelling Law; and

WHEREAS, this application was filed in companion to and heard concurrently with an application for a variance filed by the applicant under BSA Cal. No. 65-15-BZ; and

WHEREAS, the application for a variance under BSA Cal. No. 65-15-BZ having been denied, the Board finds that this application is moot; and

Therefore, this application is hereby *dismissed as moot, without prejudice*.

Adopted by the Board of Standards and Appeals, June 2, 2016.

300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for deferred decision.

ZONING CALENDAR

318-14-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for Leemilts Petroleum Inc., owner; Capitol Petroleum Group, lessee.

SUBJECT – Application December 5, 2014 – Re-Instatement (§11-411) previously approved variance which

permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on October 27, 1987; Waiver of the Rules. C1-2 in R5 zoning district.
PREMISES AFFECTED – 1672-1680 86th Street aka 1-17 Bay 14th Street, south East Corner of Bay 14th Street, Block 06365, Lot 33, Borough of Brooklyn.
COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for deferred decision.

330-13-BZ
APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.
SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.
PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

331-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.
PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on May 3, 2016, under Calendar No. 329-14-BZ and printed in Volume 101, Bulletin No. 19, is hereby corrected to read as follows:

329-14-BZ

APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.

SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.

PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 30, 2016, acting on DOB Application No. 320917022, reads in pertinent part:

1. ZR 23-141: Proposed plans are contrary to Zoning Resolution Section 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. ZR 23-461: Proposed plans are contrary to Zoning Resolution Section 23-461 in that the proposed side yard is less than the minimum required;
3. ZR 23-47: Proposed plans are contrary to Zoning Resolution Section 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R4-1 zoning district, the proposed enlargement of an existing single-family semi-detached home that does not comply with the zoning requirements for floor area, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on February 2, 2016, after due notice by publication in *The City Record*, with continued hearings on March 22, 2016, and April 26, 2016, and then to decision on May 3, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Avenue S, between East 13th Street and East 14th Street, in an R4-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along Avenue S and 2,000 sq. ft. of lot area; and

WHEREAS, the site is improved with a two-story plus attic single-family residence with approximately 1,929 sq. ft. of floor area and a floor area ratio ("FAR") of 0.96; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the

surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to enlarge the building to 2,427 sq. ft. of floor area (1.21 FAR), maintain the existing non-complying 3'-7¾" side yard, and reduce the existing 30'-4¾" rear yard to 23'-0"; and

WHEREAS, at the subject premises, the maximum floor area permitted is 1,500 sq. ft. pursuant to ZR § 23-141(b), the maximum FAR permitted is 0.75 pursuant to ZR § 23-141(b), the minimum side yard required is 4'-0" pursuant to ZR § 23-461(b) and (c); and a minimum 30'-0" rear yard is required pursuant to ZR § 23-47; and

WHEREAS, with regards to the proposed 1.21 FAR, the applicant submits that the rear lot line of the subject premises abuts an R5 zoning district where the maximum FAR permitted, pursuant to ZR § 23-141(b), is 1.25; and

WHEREAS, in response to the Board's questions concerning the reduction of the rear yard and character of the surrounding area, the applicant provided a rear yard study of the subject block demonstrating that four of the nine other buildings on the south side of Avenue S have rear yards of a depth less than 30'-0", ranging from 13'-0" to 23'-0", and that two of those buildings have rear yards that are less than the 23'-0" rear yard proposed in the subject application; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R4-1 zoning district, the proposed enlargement of an existing single-family semi-detached home that does not comply with the zoning requirements for floor area, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 4, 2016"-Ten (10) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 2,427 sq. ft. of floor area (1.21 FAR), a side yard with a minimum width of 3'-7¾", and a rear yard with a minimum depth of 23'-0", all as illustrated on the BSA-approved plans;

THAT DOB shall review compliance of front open area, landscaping requirements, curb cut, garage entry and slope into garage;

THAT DOB shall determine the acceptability of the front yard depth with respect to parking;

THAT cellar interior partitions are to be added subject to DOB approval;

THAT porches shall be added subject to DOB approval;

THAT the applicant shall maintain existing walls as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 3, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 3, 2016.

The resolution has been amended. Corrected in Bulletin No. 23, Vol. 101, dated June 10, 2016.

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BULLETIN

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262 Exeter Street, located on Exeter Street between Oriental Boulevard and the Esplanade, Block 08742, Lot(s) 6, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) to permit the enlargement of an existing single family home contrary to floor area, open space and lot coverage and providing less than the required rear yard (ZR 23-47). R3-1 zoning district.

2016-4216-BZ
1346 East 27th Street, located on the west side of East 27th between Avenues M and N., Block 07662, Lot(s) 70, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space ZR §23-141; side yards ZR §23-461 and rear yard ZR §23-47. R2 zoning district.

2016-4217-BZ
1665 Bartow Avenue, located on the northeast corner of the intersection of East Gun Hill Road and Bartow Avenue, Block 04787, Lot(s) 28, Borough of **Bronx, Community Board: 12**. Re-Instatement (§11-411) of a variance which permitted the operation of an Automotive Service Station with accessory uses (UG 16B), which expired on September 29, 2008; Amendment (§11-412) to permit structural alterations to the building:

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JULY 12, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 12, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

302-14-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Stanfordville, LLC, owner.
SUBJECT – Application November 10, 2014 – Special Permit (§73-125) to allow proposed ambulatory diagnostic or treatment health care facility in excess of 1500 sq. ft. in a two-story mixed use building. R3X zoning district.
PREMISES AFFECTED – 45-05 Francis Lewis Boulevard, southeast corner of intersection of Francis Lewis Boulevard and 45th Avenue. Block 5538, Lot 30. Borough of Queens.
COMMUNITY BOARD #11Q

101-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Nesiv Hatorah Inc., owner.
SUBJECT – Application May 11, 2015 – Variance (§72-21) to permit construction of a two-story use group 4 synagogue contrary to underlying bulk requirements. R2X zoning district.
PREMISES AFFECTED – 830 Hicksville Road, Block 15583, Lot 11, Borough of Queens.
COMMUNITY BOARD #14Q

2016-4135-BZ
APPLICANT – Bryan Cave, LLP, for EBRA Pine Master Tenant, LLC, owner.
SUBJECT – Application March 11, 2016 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*La Palestra*) in portions of the basement and sub-cellar levels of an existing building. C5-5 (LM) zoning district.
PREMISES AFFECTED – 70 Pine Street, Block 41, Lot 7504, Borough of Manhattan.
COMMUNITY BOARD #1M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JUNE 14, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

173-04-BZ
APPLICANT – Eric Palatnik, P.C., for 365 Park South LLC, owner.
SUBJECT – Application January 16, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment use in the cellar of an existing twelve-story building which expired on November 23, 2014; Waiver of the Rules. M1-6 zoning district.
PREMISES AFFECTED – 5 West 37th Street aka 5-9 West 37th Street, Block 839, Lot 34, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the Board's Rules of Practice and Procedure, to extend the term of a special permit for a physical culture establishment (PCE) previously granted by the Board, which expired on November 23, 2014, and to amend the same; and

WHEREAS, a public hearing was held on this application on June 2, 2016, after due notice by publication in *The City Record*, and then to decision on July 14, 2016; and

WHEREAS, Vice Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 5, Manhattan, recommends disapproval of this application; and

WHEREAS, the subject site is located on the north side of West 37th Street, between Avenue of the Americas and Fifth Avenue, in an M1-6 zoning district, in Manhattan; and

WHEREAS, the site has approximately 75 feet of frontage along West 37th Street, a depth of 99 feet, 7,350 sq. ft. of lot area, and is occupied by a twelve-story commercial building; and

WHEREAS, the subject PCE is located in the cellar level of the building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 23, 2004 when, under the subject calendar number, the Board granted a special permit to permit the operation of the subject PCE, subject to a term of 10 years, expiring November 23, 2014; and

WHEREAS, the applicant presently seeks an extension of the term of the special permit for a term of 10 years; and

WHEREAS, in addition, the applicant seeks an amendment to the special permit, reflecting a new staircase in the existing building being utilized by the PCE as a second means of egress and changes in the services offered at the premises; and

WHEREAS, finally, the applicant seeks a waiver of the Board's Rule of Practice and Procedure § 1-07.3(b)(2) to permit the filing of this application more than one year before or less than two years after the expiration of term; and

WHEREAS, as required by that Rule, the applicant has demonstrated that the PCE use has been continuous since the expiration of the term and that substantial would result without the waiver; and

WHEREAS, the applicant represents that at the time of the Board's November 23, 2004 grant, the PCE offered massage, manicure, pedicure, skincare, and body scrub services, but now provides only massage, dry sauna and steam room facilities; and

WHEREAS, the applicant notes that there have been no changes in the PCE operator, the previously approved hours of operation (daily, 10:00 a.m. to 12:00 a.m.), or the other uses in the building since the Board's 2004 grant; and

WHEREAS, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated November 23, 2004, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of 10 years, expiring November 23, 2024, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received December 29, 2015'–Three (3) sheets; and *on further condition*:

THAT this grant shall be limited to a term of 10 years from November 23, 2014, expiring November 23, 2024;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by June 14, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 14, 2016.

202-05-BZ
APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner.
SUBJECT – Application August 14, 2015 – Amendment to reflect the conditions approved pursuant to BSA Cal 298-13-BZ; to legalize modifications to interior spaces; and to extend the term of a special permit granted pursuant to ZR 73-36. M1-1 zoning district.
PREMISES AFFECTED – 11-11 131st Street, Block 4011, Lot 24, Borough of Queens.
COMMUNITY BOARD #1Q
202-05-BZ
APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner.
SUBJECT – Application August 14, 2015 – Amendment to reflect the conditions approved pursuant to BSA Cal 298-13-BZ; to legalize modifications to interior spaces; and to extend the term of a special permit granted pursuant to ZR 73-36. M1-1 zoning district.
PREMISES AFFECTED – 11-11 131st Street, Block 4011, Lot 24, Borough of Queens.
COMMUNITY BOARD #1Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of the term of a physical culture establishment ("PCE") which expires on July 18, 2016, and an amendment to legalize certain modifications to the PCE; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, with a continued hearing on May 17, 2016, and then to decision on June 14, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, the Board notes that by letter dated February 23, 2016, New York State Senator Tony Avella, Senator for the 11th District, urged the Board to revoke the underlying special permit; and

WHEREAS, the subject site is located on the northern portion of the block bounded by 11th and 14th Avenues, and 131st and 132nd Streets, in Queens; the site has a lot area of 30,124 sq. ft., with approximately 200 feet of frontage along the south side of 11th Avenue, approximately 170 feet of frontage along 131st Street, and approximately 131 feet of frontage along 132nd Street; the site is located within an M1-1 zoning district; and

WHEREAS, the applicant states that the site is occupied by a three-story PCE containing a total of 49,634 sq. ft. of floor area; and

WHEREAS, the PCE is operated as Spa Castle; and

WHEREAS, the Board has exercised jurisdiction over the site since July 18, 2006, when, under the subject calendar number, the Board authorized the operation of PCE for a term of ten years, to expire July 18, 2016; and

WHEREAS, by letter dated December 3, 2007, the underlying special permit approval was modified to permit the reconfiguration of certain interior spaces within the PCE, the relocation of mechanical space on the penthouse floor, and a reduction in the total area of the PCE signage located on the site; and

WHEREAS, on September 16, 2014, under BSA Cal. No. 298-13-BZ, the Board granted an application brought under ZR § 73-49 to permit 36 parking spaces on the rooftop of the PCE contrary to ZR § 44-10; and

WHEREAS, the applicant states that all of the conditions of the underlying special permit have been met save the following: (1) the hours of operation were changed at the request of State Senator Avella such that while the PCE was permitted to operate from 6:00 a.m. to midnight, seven days a week, it does not open before 8:00 a.m.; (2) the parking requirements were superseded by the Board's grant in BSA Cal. No. 298-13-BZ; (3) a trash compactor was relocated to accommodate an increase in the number of rooftop parking spaces at the premises; (4) the conditions included in the underlying grant were to be included on the Certificate of Occupancy for the building (the applicant states that all requisite permits have been issued and a Certificate of Occupancy including the required conditions will issue upon completion of all work at the site); and (5) the accessory signage was changed to reflect the d/b/a "Spa Castle" but was approved as "In Spa World"; and

WHEREAS, the applicant states that all of the conditions imposed upon the grant in BSA Cal. No. 298-13-BZ have been met save the following: (1) the number of rooftop parking spaces was increased from 36 to 42; (2) the rooftop parking has not been screened from neighboring residences as shown on the BSA-approved plans (the applicant states that a permit has been issued for such work); (3) the conditions included in the BSA Cal. No. 298-13-BZ grant, as well as those in the grant for the underlying special permit, were to be included on the Certificate of Occupancy for the building (the applicant states that all requisite permits have been issued and a Certificate of Occupancy including the required conditions will issue upon completion of all work at the site); and

WHEREAS, the Board notes that the PCE was ordered closed by the New York City the Department of Health and Mental Hygiene ("DOHMH"), Bureau of Environmental Science and Engineering on February 29, 2016, following DOHMH inspections of the PCE on February 22, 2016, and February 25, 2016; the applicant states that the PCE is permitted to reopen and provided the Board with the an Order of the Commissioner of DOHMH dated April 22, 2016, which authorized the reopening of the PCE and rescinded the DOHMH order dated February 29, 2016, pursuant to an order and stipulation and consent dated April 20, 2016 (a copy of which was also provided to the Board); and

WHEREAS, at hearing, the Board inquired as to the legality and parameters of the consumption of alcohol at the site; and

WHEREAS, the applicant provided the Board with two current State Liquor Authority ("SLA") licenses for the PCE; and

WHEREAS, the applicant states that the PCE has one license for the main restaurant on the third floor of the building and one license for the aqua pool; and

WHEREAS, the applicant states that guests are required to demonstrate proof of age by showing valid identification at the main reception area for the PCE and, upon verification, are given wristbands indicating that they are approved to purchase and consume alcohol on the premises; the applicant states further that customers cannot purchase or consume alcohol without a wristband and may not purchase more than three drinks per visit to the PCE; the applicant states that the PCE reserves the right to refuse service of alcohol to any customer at any time, and for any reason; and

WHEREAS, the applicant notes that because drinks must be purchased via a keycard, the PCE is able to enforce its three-drink maximum, and because PCE guests are not permitted to tip bartenders, guests cannot circumvent this restriction; and

WHEREAS, the applicant notes further that alcoholic drinks purchased inside the aqua bar may not be removed from that area, and that no food or open containers are allowed in any of the PCE's spas or pools; and

WHEREAS, in response to inquiries from the Board, the applicant provided the Board with a Place of Assembly Permit authorizing 1226 persons in the cellar through third floor of the building as well as a set of Occupancy Count Calculation Drawings which distinguish between the number of persons approved by the DOHMH for the pools and the number of persons approved by the Department of Buildings; and

WHEREAS, also in response to inquiries from the Board, the applicant included plans which depict the screening on the floor plans, compliance with applicable accessibility requirements and fire safety notes; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment and extensions of term are appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 18, 2006, so that as amended the resolution reads: "to permit the modifications to the PCE noted on the BSA-approved plans and to grant an extension of the special permit for a term of ten years from the prior expiration, to expire on July 18, 2026; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received May 6, 2016'- Eighteen (18) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on July 18, 2026;

THAT any massages will be performed only by New York State licensed massage professionals;

THAT the PCE shall operate as "Spa Castle" and that there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT the hours of operation of the PCE shall be as follows: Locker rooms shall operate from 8:00 a.m. to midnight, indoor pools shall operate from 10:00 a.m. to 10:00 p.m., and outdoor spa pools shall operate from 10:00 a.m. to 10:00 p.m., massage and fitness areas shall operate from 8:00 a.m. to 10:00 p.m., the restaurant at the PCE shall close at 10:00 p.m., with the foregoing hours of operation applicable seven days per week;

THAT the PCE shall maintain a one-ton trash compactor to be picked up weekly and two garbage containers to be picked up three times per week;

THAT deliveries to the PCE shall be made between 2:00 p.m. and 4:00 p.m.;

THAT the PCE shall maintain 140 attended valet parking spaces, as indicated on the BSA-approved plans;

THAT all conditions from the underlying resolution, as well as those conditions stated in the resolution issued under BSA Cal. No. 298-13-BZ, which are not specifically waived herein or otherwise superseded by the Board shall remain in effect;

THAT the foregoing conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy will be obtained by July 18, 2017;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 14, 2016.

636-54-BZ

APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.

SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.

PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.

COMMUNITY BOARD #18BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for adjourned hearing.

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX
ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for continued hearing.

327-88-BZ
APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.
PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for adjourned hearing.

4-98-BZ
APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.
SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.
PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.
COMMUNITY BOARD #12Q
ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

114-02-BZ
APPLICANT – David L. Businelli, R.A., for Jerry Campitiello, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Variance (72-21) which permitted the development of two-story building with retail on the first floor and offices on the second floor with accessory parking which expired on May 20, 2013; Waiver of the Rules. R2 zoning district.
PREMISES AFFECTED – 2493 Richmond Road, Block 947, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

220-04-BZ
APPLICANT – Sheldon Lobel, P.C., for Marjay Realty, LLC c/o Avenue Management Group, Ltd., owner.
SUBJECT – Application May 8, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted a physical culture establishment, to occupy a portion of the second floor, of an existing six story building, which expired on January 1, 2015; Waiver of the Rules. M1-2/R6A zoning district
PREMISES AFFECTED – 500 Driggs Avenue, Block 3205, Lot 18, Borough of Brooklyn.
COMMUNITY BOARD #1BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

260-15-A & 261-15-A
APPLICANT – Eric Palatnik, P.C., for Whitewell Properties, LLC, owner.
SUBJECT – Application November 24, 2015 – GCL36 to permit two, two family homes that do not have frontage on a legally mapped street, contrary to Article 3, Section 36 of the NYS General City Law. RA3X zoning district.
PREMISES AFFECTED – 122 & 130 Bard Avenue, Block 138, Lot(s) 108 & 111, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

244-15-A
APPLICANT – Jay A. Segal, Esq., for 677 Fifth Avenue Corporation, owner.
SUBJECT – Application October 9, 2015 – Appeal challenging NYC Department of Building's determination that a video display wall with in a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).
PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.
COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

30-12-BZ
CEQR #12-BSA-076Q
APPLICANT – Eric Palatnik, P.C., for Don Ricks Associates, owner; New York Mart Group, Inc., lessee.
SUBJECT – Application February 8, 2012 – Remand Back to Board of Standards and Appeals; seeks a judgment vacating the resolution issued on January 15, 2013 and filed on January 17, 2013. R6-/C2-2 zoning district.
PREMISES AFFECTED – 142-41 Roosevelt Avenue, northwest corner of Roosevelt Avenue and Avenue B, Block 5020, Lot 34, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated January 24, 2012, acting on Department of Buildings Application No. 420501095, reads in pertinent part:

Board of Standards and Appeals required for rooftop parking in C2-2 as per ZR § 73-49; and

WHEREAS, this is an application under ZR §§ 73-49 and 73-03 to allow rooftop parking above the first floor of an existing one-story commercial building located in a C2-2 (R6) zoning district, contrary to ZR § 36-11; and

WHEREAS, a public hearing was held on this application on June 5, 2012, after due notice by publication in the *City Record*, with continued hearings on August 21, 2012, October 23, 2012, and December 11, 2012, and then to decision on January 15, 2013; and

WHEREAS, the Board's January 15, 2013, decision sustained the objection of the Borough Commissioner, dated January 24, 2012, acting on Department of Buildings Application No. 420501095, and denied the application for the subject special permit; and

WHEREAS, the primary basis for the Board's January 15, 2013, denial of the subject application was that the applicant was unable to establish (1) that the rooftop parking sought herein is located in such a manner that it does not change the essential character of the neighborhood, nor impair future use of the surrounding properties, as is required pursuant to ZR § 73-49; and (2) that the hazards or disadvantages to the community at large associated with the special permit at the subject site are outweighed by the advantages to be derived by the community by the grant of the special permit, as is required pursuant to ZR § 73-03; and

WHEREAS, specifically, in denying the special permit, the Board identified the following issues with the proposed use: (1) the location of the rooftop parking facility; (2) the nature and intensity of the proposed use; (3) the nature of and proximity to surrounding uses; (4) limitations regarding proposed safeguards; and (5) Board precedent, which includes a limited number of approvals under the subject special permit, none of which are in such close proximity to a large number of residences; and

WHEREAS, the applicant brought an action in Supreme Court, Queens County, to reverse the Board's decision pursuant to Article 78 of the New York Civil Practice Laws and Rules; on October 27, 2013, that court vacated the Board's January 15, 2013 decision, and remanded this matter to the Board "for the purpose of issuing the special permit, subject to any conditions or restrictions as may be appropriate"; and

WHEREAS, upon the Court's remand, public hearings were held on February 24, 2015, September 22, 2015, December 8, 2015, and March 8, 2016, and May 3, 2016, and this matter was brought to decision on June 14, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 7, Queens, recommends conditional approval of this application; and

WHEREAS, Queens Borough President Helen Marshall recommends approval of the application; and

WHEREAS, the subject site is located on the northwest corner of Roosevelt Avenue and Avenue B, within a C2-2 (R6) zoning district; and

WHEREAS, the site is occupied by a one-story commercial building occupied by a grocery store and a pharmacy; and

WHEREAS, the applicant proposes accessory rooftop parking for 49 parking spaces for grocery store customers and would relocate the required parking from the current location at the cellar and sub-cellar of the adjacent six-story Residential Building; and

WHEREAS, the applicant represents that 41 parking spaces are the minimum required for the commercial use of the building; and

WHEREAS, in order to meet its needs, the applicant seeks a special permit pursuant to ZR § 73-49, to permit rooftop parking at the site; and

WHEREAS, ZR § 73-49 provides that:

> In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C&, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or

storage of motor vehicles on the roof of a *public parking garage* with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit *accessory* off-street parking spaces to be located on the roof of a *building*. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from *lot lines*, or for shielding of floodlights.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, the Board notes that, pursuant to ZR § 73-04, failure to comply with any of the conditions or restrictions imposed herein "shall constitute a violation of [the Zoning Resolution], and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies."

WHEREAS, as a threshold matter, the Board notes that the site is within a zoning district in which the subject special permit is available; and

WHEREAS, the applicant states that the hour of operation for the rooftop parking area will be limited to the hours between 8:00 a.m. and 9:00 p.m., seven (7) days per week; and

WHEREAS, the applicant has provided the Board with the following operational plan (the "Operational Plan") intended to mitigate the nuisance associated with rooftop parking at the subject site:

- Monitoring:
  - Security cameras will be installed at the entrance ramp to the rooftop, and will operate 24 hours a day, seven days a week.
  - An attendant will monitor both the alleyway between the subject premises and the adjacent residential building, as well as the rooftop parking area itself (1) when the rooftop parking area closes each day; and (2) at regular intervals throughout the rooftop's hours of operation, but no fewer than five (5) times per day.
  - In addition to keeping the alleyway free of loiterers, the attendant will monitor the rooftop for illegal parking, to enforce safety measures, and to make sure the rooftop parking facility is cleared each night at 9:00 p.m. when the rooftop parking closes.
- Hours of Operation:
  - The rooftop parking facility will open at 8:00 a.m. and close at 9:00 p.m., seven days per week.
  - The security cameras installed at the entrance ramp to the rooftop will remain in operation even when the rooftop parking facility is closed.
  - In the event of inclement weather, such as icing or snow that would render the subject premises dangerous, the rooftop parking area will be closed until cleared of hazards.
- Gates
  - Automatic roll down gates with open slats will be installed.
  - The gates will close at 9:00 p.m. each night.
- Traffic Controls
  - A number of traffic control measures will be installed at the rooftop level:
    - A flashing light to alert pedestrians of vehicles entering and exiting the rooftop parking facility.
    - Bumpers or concrete blocks will be placed at the front of each parking space to protect vehicles and the perimeter walls from damage.
  - The following safety measures will also be installed at the base of the ramp:
    - A flashing light and audible noise alerting pedestrians of crossing cars.
    - A steep speed bump to ensure vehicles exit the subject premises at a safe speed.
    - Convex mirrors to ensure vehicles and pedestrians are visible to one another.
    - Signage at the sidewalk indicating crossing cars.
- Signage
  - The following signs shall be installed at the base of the ramp:
    - A speed limit sign with a maximum speed of 5 miles per hour.
    - A "stop" sign and a "no left turn" sign.
    - A sign advising drivers that pedestrians are crossing.
    - A "no honking" sign.
  - The following signs shall be installed on the rooftop level:
    - A speed limit sign with a maximum speed of 5 miles per hour.
    - A "no honking" sign.
    - A "high beam prohibited" sign.
    - A "lower radio" sign.
    - Signs advising pedestrians of crossing cars on inside and outside of the two stairwells, located on the northern and southern corners of the roof.
- General Rules

- Cars entering and exiting the rooftop parking facility are expected to comply with all signs posted on the roof itself, near the entrance ramp, and on the sidewalks.
- Directional arrows will be painted on the surface to direct the cars in which direction they drive to either enter or exit the facility or search for a parking spot.
- Security cameras and attendants will discover [and address] any reckless behavior.
- Overnight parking on the rooftop is not permitted.
- Drivers are not permitted to honk their horns in the rooftop parking area.
- Vehicles in violation of any of the posted rules, such as being parked overnight, will be towed from the premises.

- Landscaping and Maintenance
  - The landscaping at the premises will be maintained on a bi-weekly basis, or as needed. The maintenance will include keeping plants trimmed, watered, and free of any debris.
  - Lighting will be provided by various LED wall lights. The lighting equipment will turn on from 5:00 p.m. to 8:00 a.m. the following day during the winter and spring months, and from 6:00 p.m. to 8:00 a.m. the next day during the summer and fall. Lighting fixtures located by the ramp will be on twenty four (24) hours per day, seven days per week.
  - Lighting will be maintained regularly. During nightly inspections, the attendant will make note of any lights that are out and report issues to the owner of the premises, who shall immediately replace or repair any non-functioning or poorly-functioning lights.
  - All rooftop equipment shall be maintained in accordance with best practices.
  - The subject building and rooftop area will be kept free of debris and graffiti. The attendant will remove debris during regular inspections of the parking area and alleyway between the subject building and the adjacent residential building. Any graffiti will be painted over as soon as is practical after discovery of same.

WHEREAS, compliance with the Operational Plan is hereby incorporated into this resolution a condition of the subject special permit; and

WHEREAS, at hearing, the Chair noted her opinion that the remand of this issue was improper, and the Court erred in failing to recognize the Board's ability, and authority, to distinguish the subject proposal for rooftop parking from others where issues related to an adjacency with a residential use were not significant; notwithstanding the foregoing, confined by the remand and based on the evidence submitted by the applicant, the Board concludes that the record supports the findings required to be made under ZR §§ 73-03 and 73-49; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 12-BSA-076Q , dated June 14, 2016 ; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617.5 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings application under ZR §§ 73-03 and 73-49 to permit, on a site located within an C2-2 (R6) zoning district, 49 parking spaces on the rooftop of a one-story commercial building occupied by a grocery store, contrary to ZR § 36-11 *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, May 27, 2016"- Eighteen (18) sheets; and *on further condition*:

THAT a maximum of 49 rooftop parking spaces will be permitted;

THAT the layout of the parking spaces will be as reviewed and approved by DOB;

THAT all lighting on the roof will be directed down and away from adjacent uses;

THAT the CMU wall and side wall shall be stucco in order to create a uniform appearance, as shown on the Board-approved plans;

THAT the wall facing the adjacent residential building shall be maintained, repaired, and painted, as needed;

THAT all planting shall be maintained and replaced, as needed;

THAT the hours of operation of the rooftop parking shall be 8:00 a.m. to 9:00 p.m., seven (7) days per week;

THAT the applicant shall comply with the Operational Plan, including, without limitation:

THAT all roof lighting shall be pointed down and away from adjacent residential uses;

THAT recessed lighting shall be installed within the tree planters in front of each of the rooftop parking spaces;

THAT all roof lighting fixtures shall turn on at 5:00 p.m. and shall remain on until 8:00 a.m. the next day in winter and spring;

THAT all roof lighting fixtures shall turn on at 6:00 p.m. and shall remain on until 8:00 a.m. the next day in summer and autumn;

THAT lighting fixtures at the ramp area will remain on twenty four (24) hours per day, seven (7) days per week;

THAT acoustical solution ABBC-13EXT-R-2 sound blankets will be used to suppress the noise of the HVAC (blankets shall have a sound absorbing quality of at least 33 STC);

THAT white laminated glass shall be installed to prevent direct light from being transmitted beyond the perimeter of the subject property;

THAT the applicant shall maintain a headlight blocking fence adequate to block standard car headlights;

THAT an attendant shall monitor the roof for illegal parking and safety measures, and shall make sure that the rooftop parking facility is cleared nightly by 9:00 p.m.;

THAT the roof shall be closed in the event of icing or snow;

THAT elevators shall be closed and turned off nightly at 9:00 p.m. to ensure that the rooftop parking area is inaccessible to people within the subject premises;

THAT signage indicating the hours of operation of the rooftop parking (8:00 a.m. to 9:00 p.m.) shall be installed at the base of the ramp to the rooftop parking area;

THAT automatic roll-down gates with open slats shall be installed at the premises and that such gates shall be closed nightly at 9:00 p.m., and shall not be opened until 8:00 a.m., the following day;

THAT the automatic roll-down gates shall be closed in the event of icing or snow until it is cleared of such hazard;

THAT security cameras shall be installed at the entrance ramp to the rooftop parking area, and shall operate twenty four (24) hours per day, seven (7) days per week;

THAT an attendant shall monitor the alleyway between the subject premises and the adjacent residential building no fewer than three (3) times daily during the hours of operation of the rooftop parking area to ensure there is no loitering in this area;

THAT the rooftop parking area shall remain free of trash and debris;

THAT an attendant shall inspect the rooftop parking area upon the daily opening and closing thereof, as well as every four (4) hours during the hours of operation thereof (and no fewer than five (5) times daily), and will clean the rooftop parking area, and remove trash and debris therefrom, as appropriate;

THAT a 5 miles/hour speed limit sign shall be installed at the parking area and entrance thereto;

THAT signage shall be installed at the sidewalk indicating crossing cars;

THAT a stop sign and "no left turn" sign shall be installed at the Bowne Street entrance to the parking area;

THAT signage indicating pedestrian crossing shall be installed at the entrance to the parking area;

THAT signs advising pedestrians of cross cars shall be installed on the inside and outside of the two (2) stairwells located at the northern and southern corners of the roof of the subject building;

THAT signage prohibiting the use of horns shall be installed at the entrance to the parking area;

THAT signage prohibiting the use of high beams shall be installed at the entrance to the rooftop parking area;

THAT signage requiring drivers to lower the volume of their stereos shall be installed at the entrance to the rooftop parking area;

THAT a flashing light and audible noise shall indicate pedestrians of cars entering and exiting the parking area;

THAT a steep speed bump shall be installed at the entrance to the parking area to ensure that vehicles exit the parking area at a safe speed;

THAT two speed bumps shall be installed along the down ramp to ground level to reduce the speed of cars exiting the rooftop parking area;

THAT convex mirrors shall be installed to ensure vehicles and pedestrians are visible to each other;

THAT a bumper / concrete block will be placed at the front of each parking stall at the rooftop parking area to protect the perimeter wall of the subject building;

THAT all planting shall be as indicated on the Board-approved plans and that any deviation from or change in the approved planting shall require further approval from the Board (the foregoing is without prejudice to any other deviation from or change in any other condition listed herein, all of which shall require further approval from the Board);

THAT the above conditions will appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 14, 2016.

188-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for Linwood Avenue Building Corp., owner.

SUBJECT – Application June 25, 2013 – Special Permit (§73-125) to permit an ambulatory diagnostic or treatment

health care facility.
PREMISES AFFECTED – 20 Dea Court, south side of Dea Court, 101' West of intersection of Dea Court and Madison Avenue, Block 3377, Lot 100, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application withdrawn.

Adopted by the Board of Standards and Appeals, June 14, 2016.

24-14-BZ
APPLICANT – Gerald J. Caliendo, Architect, PC, for Frank Moreno, owner.
SUBJECT – Application February 3, 2014 – Variance (§72-21) to legalize an enlargement of an existing one family residence and a conversion from one dwelling unit to two dwelling units, contrary to front and side yards (§23-45 and §23-46). R4 zoning district.
PREMISES AFFECTED – 106-02 Sutter Avenue, Block 11506, Lot 42, Borough of Queens.
COMMUNITY BOARD #10Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of Department of Buildings ("DOB"), dated February 18, 2014, acting on DOB Application No. 401686323, reads in pertinent part:

1. FLOOR AREA IS CONTRARY TO SEC. 23-141 ZR.
2. FRONT AND SIDE YARD FOR 2ND STORY IS CONTRARY TO SEC. 23-45 & 461 ZR.

WHEREAS, this is an application under ZR §§ 72-21 and 73-621, to legalize, within an R4-1 zoning district, a vertical enlargement and the addition of a second story to an existing one-family residence, as well as the conversion of that one family residence into a two-family residence, which does not comply with the zoning requirements for floor area, front yards and side yards, contrary to ZR §§ 23-141, 23-45, and 23-46; and

WHEREAS, a public hearing was held on this application on January 22, 2016, after due notice by publication in *The City Record*, with continued hearings on March 22, 2016, and April 26, 2016, and then to decision on June 14, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 10, Queens, recommends approval of this application; and

WHEREAS, the subject site is a narrow corner lot with 25 feet of frontage along the south side of Sutter Avenue and 97 feet of frontage along the east side of 106th Street, in an R4-1 zoning district, in Queens; the site has a lot area of 2,425 sq. ft.; and

WHEREAS, the site is currently occupied by an illegal two-story, two-family home; and

WHEREAS, the applicant seeks to legalize the building's 1,930 sq. ft. of floor area (0.79 FAR) (the maximum permitted floor area is 1,818 sq. ft. (.75 FAR)) and maintain non-compliances with the front and side yards at the second story of the building, specifically, the 2'- 3" side yard and front yards of 13'-6" and 2'-8" (pursuant to 23-461(b), a 5'-0" side yard is required; pursuant to 23-45(a), front yards of 10'-0" and 18'-0" are required); and

WHEREAS, the applicant also proposes to maintain existing non-complying conditions at the remainder of the building; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted the building's 1925 Certificate of Occupancy authorizing a one-family residence as well as a Sanborn map to demonstrate that the building existed as a residence before the operative date for the subject district; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a residential building, provided that the proposed floor area ratio does not exceed 110 percent of the maximum permitted (0.82 FAR);

WHEREAS, the applicant represents floor area ratio it seeks to legalize is less than 110 percent of the maximum permitted (0.75 FAR); and

WHEREAS, therefore, the Board finds that the proposed increase in floor area is permitted under ZR § 73-621; however, ZR § 73-621 is not available to legalize the building's front and side yard requirements; and

WHEREAS, accordingly, the applicant seeks a variance pursuant to ZR § 72-21 for those portions of the proposal; and

WHEREAS, the applicant states that the irregular lot shape is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the site in compliance with underlying zoning regulations; and

WHEREAS, the applicant states that the subject lot's narrowness and corner condition, coupled with the history of the development of the site, constitute a unique physical condition; and

WHEREAS, specifically, the applicant states that the front and side yard requirements applicable to the subject narrow lot (which, because the subject lot is a corner lot, require dual front yards as well as side yards) create a practical difficulty in maintaining the building in accordance with the front and rear yard requirements; and

WHEREAS, the applicant submitted a study showing

that of all the corner lots in the 400 foot study area, only the subject lot, which is the smallest corner lot in the study area, is occupied by such a small structure; and

WHEREAS, the applicant maintains that a complying structure on the subject lot would have to accommodate two front yards, of 18'-0" and 10'-0", as well as side yards of 20'-0" and 5'-0", such that the existing second story would have to be reduced to 10'-0" in width; and

WHEREAS, based upon a review of the record, the Board finds that the cited unique physical condition creates practical difficulties in developing the site in strict compliance with the applicable zoning regulations; and

WHEREAS, the Board agrees that because of the site's unique physical condition, there is no reasonable possibility that compliance with applicable zoning regulations will result in a habitable home; and

WHEREAS, the applicant represents that neither the proposed legalization, nor the special permit will negatively affect the character of the neighborhood or impact adjacent uses; and

WHEREAS, the applicant states that the neighborhood is characterized by two-story, two-family homes, many with non-complying yards; and

WHEREAS, at hearing, the Board directed the applicant to clarify the amount of floor area proposed it seeks to legalize via the special permit; and

WHEREAS, in response, the applicant submitted a revised statement, which established that all of the floor area to be legalized is within the 110 percent authorized by the special permit, thereby eliminating a waiver initially sought pursuant to ZR § 72-21; and

WHEREAS, therefore, the Board finds that this action will neither alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is a result of the unique conditions at the site; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, thus, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 72-21 and 73-621; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings ZR §§ 72-21 and 73-621, to legalize, within an R4-1 zoning district, a vertical enlargement and the addition of a second story to an existing one-family residence, as well as the conversion of that one family residence into a two-family residence, which does not comply with the zoning requirements for floor area, front yards and side yards, contrary to ZR §§ 23-141, 23-45, and 23-46; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 2, 2016"-Ten (10) sheets and "June 10, 2016"- One (1) sheet; and *on further condition*:

THAT the parameters of the proposed building will be limited to: two stories, with cellar and attic, with maximum floor area of 1,930 sq. ft. (0.79 FAR), front yards with minimum depths of 13'-6" and 2'-8", side yards of 30'-0" and 2'-3", and no rear yard, all as shown on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT significant construction will proceed in accordance with ZR §§ 72-23 and 73-70; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 14, 2016.

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.

SUBJECT – Application December 18, 2013 – Re-instatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

181-14-BZ

APPLICANT – Sheldon Lobel, P.C., for The Greek School of Plato, LTD, owner.

SUBJECT – Application August 1, 2014 – Variance (§72-21) to permit the construction of an educational and cultural facility be located on the premises. R4B zoning district.

PREMISES AFFECTED – 670 92nd Street, between Battery Avenue and 7th Avenue, Block 6143, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

240-14-BZ

APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.

SUBJECT – Application October 3, 2014 – Special Permit

(§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.
PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for adjourned hearing.

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 21, 2016, at 10 A.M., for adjourned hearing.

34-15-BZ
APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.
SUBJECT – Application February 24, 2015 – Special Permit (§73-622)for the enlargement of an existing two story single family residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district.
PREMISES AFFECTED – 2316 Ocean Parkway, between Avenue W and Lancaster Avenue, Block 7181, Lot 14, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for adjourned hearing.

44-15-BZ
APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.
SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633) and rear setback requirements (§23-633(b). R8 zoning district.
PREMISES AFFECTED – 145 Central Park North, between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.
COMMUNITY BOARD #10M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, JUNE 14, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

139-15-BZ
APPLICANT – Eric Palatnik, P.C., for Merrissa Mgt. Holdings, owner; Life Sports Club, LLC, lessee.
SUBJECT – Application July 1, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Life Health Fitness*) in the cellar within a two-story building with a C2-2 commercial overlay. R3-1/C2-2 zoning district.
PREMISES AFFECTED – 10-24 154th Street, Block 4539, Lot 61, Borough of Queens.
COMMUNITY BOARD #7Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for decision, hearing closed.

204-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Caledonia Retail Associates LLC, owner.
SUBJECT – Application August 31, 2015 – Special Permit 73-36: to allow a (*SoulCycle*) physical culture establishment within portion of an existing twenty-four story mixed use building in a C6-3 (WCH) zoning district.
PREMISES AFFECTED – 98-100 10th Avenue, aka 450 West 17th Street, Block 714, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #4M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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2016-4218-BZ
66 79th Street, located on the south side of 79th Street between Narrows Avenue and Colonial Road., Block 05976, Lot(s) 20, Borough of **Brooklyn, Community Board: 10**. Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (ZR 23-141(b). R2 zoning district.

2016-4219-BZ
239 Beaumont Street, located on Beaumont Street between Oriental Boulevard and the Esplanade, Block 08740, Lot(s) 84, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) a to permit the enlargement of a single-family residence, contrary to floor area requirements (ZR §23-142). R3-1 zoning district.

2016-4220-BZ
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2016-4221-BZ
429 89th Street, located on the north side of 89th Street between Fourth and Fifth Avenues, Block 06065, Lot(s) 39, Borough of **Brooklyn, Community Board: 10**. Special Permit (§73-19) to permit the development of a six-story high school (Bay Ridge Preparatory School) (UG 3) and a Variance (§72-21) seeking waiver of ZR §§ 114-11 (exceeds maximum permitted floor area ratio), 114-122 (does not comply with height an

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JULY 19, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 19, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

413-50-BZ
APPLICANT – Eric Palatnik, P.C., for Sandra Yetman, owner; BP Products North America Inc., lessee.
SUBJECT – Application October 8, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) which expires on November 18, 2015. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 691 East 149th Street, Block 2623, Lot 140, Borough of Bronx.
COMMUNITY BOARD #1BX

302-08-BZ
APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for James Woods, owner.
SUBJECT – Application March 18, 2016 – Remanded by the Court back to the NYC Board of Standards and Appeals to consider whether petitioner satisfied the remaining elements required for a Variance (§72-21) to permit an existing semi-detached residential building, contrary to side yard regulations (§23-462). R5 zoning district.
PREMISES AFFECTED – 4368 Furman Avenue, Block 5047, Lot 12, Borough of Bronx.
COMMUNITY BOARD #12BX

APPEALS CALENDAR

2016-4129-A & 2016-4130-A
APPLICANT – Eric Palatnik, P.C., for Harris Lane Associates Corp., owner.
SUBJECT – Application March 4, 2016 – Proposed construction of family dwelling not fronting on a legally mapped street contrary to General City Law 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 72 & 74 Harris Lane, Block 7094, Lot(s) 1 & 9, Borough of Staten Island.
COMMUNITY BOARD #3SI

REGULAR MEETING
JULY 19, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 19, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

6-14-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 9, 2014 – Special Permit (§73-211) to permit the operation of an Automotive Service Station (UG 16B) with an accessory convenience store. C2-1/R3-2 zoning district.
PREMISES AFFECTED – 2525 Victory Boulevard, Block 1521, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI

137-15-BZ
APPLICANT – Law Office of Jay Goldstein for Congregation YGS, owner.
SUBJECT – Application – Variance (72-21) change of use and enlargement from existing Use Group 9 trade school to use Group 3 religious school (*Yeshiva Godolah Seminary*) with additional classrooms and dormitories. M1-1 zoning district.
PREMISES AFFECTED – 74-10 88th Street, Block 3810, Lot 93, Borough of Queens.
COMMUNITY BOARD #5Q

236-15-BZ
APPLICANT – Sheldon Lobel, P.C., for George Acquisition LLC, owner.
SUBJECT – Application October 7, 2015 – Variance (§72-21) to permit the development of a two-story and cellar commercial building contrary to minimum front yard requirements. M1-4D zoning district.
PREMISES AFFECTED – 1677 George Street, Block 3551, Lot 68, Borough of Queens.
COMMUNITY BOARD #5Q

247-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Dom Ben Realty Corp., owner; IMAX Fit LLC, lessee.
SUBJECT – Application October 19, 2016– Special Permit (73-36) to allow the operation of a physical culture establishment (*IMAX Fit*) on portion of the ground floor. MX-2 within Ml-4/R8A zoning district.
PREMISES AFFECTED – 135 Plymouth Street, Block 18, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

256-15-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Goron Properties, Inc., owner; Blink 56-02 Roosevelt, Inc., lessee.

SUBJECT – Application November 12, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink Fitness*) to operate within an existing commercial building. C2-3/R6 zoning district.

PREMISES AFFECTED – 56-02 Roosevelt Avenue, Block 1327, Lot 35, Borough of Queens.

COMMUNITY BOARD #2Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JUNE 21, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

802-48-BZ
APPLICANT – Eric Palatnik, for Rodeleeven Service Stations, Inc., owner.
SUBJECT – Application June 8, 2015 – Extension of Term (72-01) to extend the term of a variance for automotive service station, repair shop and accessory convenient store, which was granted October 17, 2006. R5/C1 zoning district.
PREMISES AFFECTED – 1346 Beach Channel Drive, Block 01552, Lot 1, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a variance, previously granted by the Board, which expired on June 24, 2015; and

WHEREAS, a public hearing was held on this application on January 12, 2016, after due notice by publication in *The City Record*, with continued a continued hearing on March 22, 2016 and then to decision on June 21, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the northeast corner of Beach Channel Drive and Dix Avenue, in an R5 zoning district, in Queens; and

WHEREAS, the site has approximately 97 feet of frontage along Beach Channel Drive, 110 feet of frontage along Dix Avenue, 10,692 sq. ft. of lot area, and is improved with an automotive service station and accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 26, 1949 when, under the subject calendar number, the Board granted a variance permitting the conversion of an existing car wash, located on the premises of an existing gasoline service station, to a facility that would also provide minor automobile repair for a term of five (5) years, expiring April 26, 1954; and

WHEREAS, the Board extended the term of the variance from time to time, under the subject calendar number, between April 21, 1959 and November 6, 1985, the extension granted on November 6, 1985 expiring June 24, 1995; and

WHEREAS, on January 23, 1990, under the subject calendar number, the Board amended the variance to permit the demolition of the existing building on the premises and construction of a new building at the northeast corner of the lot, a canopy of two new gasoline pump stands, the elimination of two curb cuts on Dix Avenue and the relocation of the remaining curb cut at the site pursuant to submitted and approved plans; and

WHEREAS, under the subject calendar number, the Board subsequently granted further extensions to the term of the variance, the latest term expiring June 24, 2015, and, on October 17, 2006, additionally legalized the accessory convenience store on the premises; and

WHEREAS, the applicant now seeks an extension of the term of the variance for ten (10) years; and

WHEREAS, at the Board's request, the applicant made various improvements at the site, specifically, replaced fencing along the eastern lot line, replaced and expanded the existing trash enclosure, added landscaping, and restriped parking spaces; and

WHEREAS, the Board finds that a ten (10) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 26, 1949, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on June 24, 2025; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received June 3, 2016'-Seven (7) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from June 24, 2015, expiring June 24, 2025;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 21, 2016.

515-89-BZ
APPLICANT – Sheldon Lobel, P.C., for 50 East 78, LP, owner.
SUBJECT – Application November 25, 2016 – Extension of Term (11-411) of a previously approved variance permitting the operation of an art gallery in the basement of an existing building; Waiver of the Rules R8B (LH-1A) zoning district.
PREMISES AFFECTED – 50 East 78th Street, Block 1392, Lot 47, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of term of a special permit, previously granted by the Board pursuant to ZR § 11-411, which is set to expire on October 16, 2017; and

WHEREAS, a public hearing was held on this application on June 21, 2016, after due notice by publication in *The City Record* and then to decision on the same date; and

WHEREAS, Commissioner Ottley-Brown performed an inspection the site and surrounding neighborhood; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of East 78th Street, between Madison Avenue and Park Avenue, in an R8B zoning district, within the Limited Height 1A district, in Manhattan; and

WHEREAS, the site has approximately 54 feet of frontage along East 78th Street, 5,517 sq. ft. of lot area, and is improved upon with an 11-story plus basement residential building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 17, 1962 when, under BSA Cal. No. 1903-61-BZ, the Board granted a variance permitting the change in the use of the western portion of the basement to an art gallery for a term of five (5) years, expiring July 17, 1967; and

WHEREAS, the term of the variance having expired, the Board granted a new variance, pursuant to ZR § 72-21, on December 2, 1980 under BSA Cal. No. 930-80-BZ for the same use for a term of five (5) years, expiring December 2, 1985; and

WHEREAS, on October 16, 1990, under the subject calendar number, the Board issued a special permit, pursuant to ZR § 11-411, permitting the reinstatement of the variance for a commercial art gallery (Use Group 6) for a term of two (2) years, expiring October 16, 1992; and

WHEREAS, the grant was subsequently amended and extended at various times; and

WHEREAS, most recently, on October 16, 2007, the grant was extended for a period of ten (10) years, to expire on October 16, 2017; and

WHEREAS, the instant application seeks a further extension of the term; and

WHEREAS, in addition, the applicant requests a waiver of the Board's Rule of Practice and Procedure § 1-07.3(b)(2) to permit the filing of this application more than one (1) year before the expiration of the term; and

WHEREAS, the applicant submits that the application has been made prior to the expiration of the current term because the gallery space is vacant and the short amount of time remaining on the current term prevents the applicant from securing a new long-term tenant, despite numerous inquiries; and

WHEREAS, pursuant to Rule § 1-07.3(b)(2), the applicant has demonstrated that the art gallery use has been continuous at the site since the time of the original variance grant in 1962 and that substantial prejudice would result without a grant of the requested waiver; and

WHEREAS, the Board finds that a waiver of its Rules and a ten (10) year extension of the term of the special permit are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 16, 1990, so that as amended this portion of the resolution reads: "to grant an extension of the term of the special permit for a term of ten (10) years to expire on October 16, 2027; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received June 20, 2016'-Four (4) sheets; and *on further condition*:

THAT this grant shall expire October 16, 2027;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 21, 2016.

306-06-BZ
APPLICANT – Sheldon Lobel, P.C., for Talmud Torah Ohel Tochanan c/o Moshe Kramer, owner.
SUBJECT – Application February 4, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to permit the construction of a one and six-story religious school building (*Talmud Torah Ohel Tochanan*) with the one-story portion along the rear lot line, which expired on February 5, 2012; Waiver of the Rules. R5/M1-1 (Special Ocean Parkway District) zoning district.
PREMISES AFFECTED – 50 Lawrence Avenue, Block

5422, Lot 10, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to complete construction pursuant to a variance, previously granted by the Board pursuant to ZR § 72-21, permitting the construction of a six-story building that does not comply with the use and bulk requirements of a site located partially within an R5 zoning district and partially within an M1-1 zoning district in the Special Ocean Parkway District; and

WHEREAS, a public hearing was held on May 17, 2016 after due notice by publication in *The City Record* and then to decision on June 21, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Lawrence Avenue between McDonald Avenue and Seton Place, partially within an R5 zoning district and partially within an M1-1 zoning district, in the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 100 feet of frontage along Lawrence Avenue, 10,000 sq. ft. of lot area, and is occupied by a one-story manufacturing building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 5, 2008 when, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, permitting the construction of a six-story building at the premises to be utilized as a yeshiva (Use Group 3), with total floor area of 40,788 sq. ft., maximum street wall and total height of 60 feet, maximum lot coverage of 90 percent, and one side yard with a minimum width of 5 feet; and

WHEREAS, construction was to have been substantially completed by February 5, 2012 pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that construction pursuant to the 2008 variance grant has yet to commence at the premises; and

WHEREAS, accordingly, the applicant seeks an extension of an additional four (4) years to complete construction; and

WHEREAS, the applicant represents that construction was primarily delayed due to the economic recession of late 2007, which rendered development of the project infeasible, and that the applicant is now financially prepared to start construction on the project; and

WHEREAS, the applicant further requests a waiver of Board Rule of Practice and Procedure § 1-07.3(c)(3) to permit the filing of this application more than two (2) years after but less than four (4) years after the expiration of the time to complete construction; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the grant of the variance; and

WHEREAS, the Board notes that the premises is subject to a Restrictive Declaration, dated September 20, 2007, executed by the previous owner of the premises (the "Declarant") requiring, *inter alia*, the performance of certain environmental remedial measures at the site to the satisfaction of the New York City Department of Environmental Protection (the "DEP Restrictive Declaration"); and

WHEREAS, the Board additionally notes that the DEP Restrictive Declaration is, by its terms, binding upon all of the Declarant's successors and assigns and, thus, the applicant must comply with its terms; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated February 5, 2008, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to June 21, 2020; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT the applicant shall comply with the DEP Restrictive Declaration;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 21, 2016.

129-97-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.
SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

201-97-BZ
APPLICANT – Eric Palatnik, P.C., for Monroe Queens-Rockaway, LLC, owner.
SUBJECT – Application August 6, 2015 – Amendment of a previously approved Variance (§72-21) which permitted the erection and use of a one-story building as a non-conforming Use Group 6 drug store with accessory parking. The Amendment seeks to eliminate the term of the variance since the use is now permitted in the district. C2-3/R3-2 zoning district.
PREMISES AFFECTED – 119-02 Rockaway Boulevard, corner of Rockaway Boulevard and Lefferts Boulevard, Block 11712, Lot 28, Borough of Queens.
COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for adjourned hearing.

189-09-BZ
APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.
SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.
PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.
COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for deferred decision.

APPEALS CALENDAR

106-15-A & 107-15-A
APPLICANT – Eric Palatnik, P.C., for Evan Zhang, owner.
SUBJECT – Application May 12, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 /36 of the General City Law. R4-1 zoning district.
PREMISES AFFECTED – 42-29 & 42-31 149th Street, Block 5380, Lot(s) 12, 13, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for deferred decision.

108-15-A thru 110-15-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Glebe Partners LLC, owners.
SUBJECT – Application May 13, 2015 – Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings commenced under prior zoning district regulations. R6A zoning district.
PREMISES AFFECTED – 2317, 2319, 2321 Glebe Avenue, Block 3971, Lot(s) 167, 166, 165, Borough of Bronx.
COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
PREMISES AFFECTED – 5, 11, 17, 23 Herbert Street and 14 Holtein Avenue, Block 6681, Lot(s) 30, 31, 40, 41, 34, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for postponed hearing.

2016-1218-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Georgiana L. DiMauro Living Trust, owner; FAS Building Corp., lessee.
SUBJECT – Application February 10, 2016 – To permit the proposed development consisting of a two-story building with warehouse use (UG 16) on the ground floor and office use (UG 6) on the upper floor contrary Article 3 Section 36 of the General City Law. M1-1 (SRD) zoning district.
PREMISES AFFECTED – 97 Storer Avenue, Block 7311, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to August 2,

2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

17-14-BZ
APPLICANT – Moshe M. Friedman, PE, for Cong Chasdei Belz Beth Malka, owner.
SUBJECT – Application January 28, 2014 – Variance (§72-21) to add a third and fourth floor to an existing school building (*Congregation Chasidei Belz Beth Malka*), contrary to floor area (§24-11) lot coverage, maximum wall height (§24-521), side yard (§24-35), front yard (§24-34) and rear yard (§24-361) regulations. R5 zoning district.
PREMISES AFFECTED – 600 McDonald Avenue aka 14 Avenue C, aka 377 Dahill Road, south west corner of Avenue C and McDonald Avenue 655', 140'W, 15'N, 100'E, 586'N, 4"E, 54'N, 39.67'East, Block 5369, Lot 6, Borough of Brooklyn.
COMMUNITY BOARD #12BK
ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

158-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.
SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.
PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

21-15-BZ
APPLICANT – Eric Palatnik, P.C., for Edward Nektalov, owner.
SUBJECT – Application February 5, 2015 –Special Permit (73-621) to for the enlargement of an existing one-family dwelling which will not provide the required open space ratio. R1-2A zoning district.
PREMISES AFFECTED – 112-35 69th Avenue, between 112th Street and Grand Central Parkway Service Road, Block 2241, Lot 48, Borough of Queens.
COMMUNITY BOARD #6Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to July 19, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, JUNE 21, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

92-15-BZ
APPLICANT – Eric Palatnik, P.C., for Buffalo Avenue Realty Associates, LLC, owner.
SUBJECT – Application April 23, 2015 – Variance (§72-21) proposed redevelopment of existing Use group hospital with the use of USG3 nursing home and sky exposure plain. R6 zoning district.
PREMISES AFFECTED – 170 Buffalo Avenue, between St. Marks Avenue and Prospect Place, Block 1362, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK
ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

216-15-BZ
APPLICANT – Eric Palatnik, P.C., for Gasteria Oil Corp., owner.
SUBJECT – Application September 2, 2015 – Special Permit (§73-211): to authorize the construction of an automotive service station and accessory convenience store on an irregularly shaped lot, located within an C2-4 zoning district.
PREMISES AFFECTED – 205 West Fordham Road, West 6 Frame Road bordering Sedgwick Avenue. Block 3236, Lot 0220. Borough of the Bronx.
COMMUNITY BOARD #7BX

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

219-15-BZ

APPLICANT – Eric Palatnik, P.C., for Alvin Berger, owner; Zhang Ming Wu, lessee.

SUBJECT – Application September 10, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Kings Spa*) on the second floor of a two-story building. M1-1 zoning district.

PREMISES AFFECTED – 945 61st Street, between Fort Hamilton and Ninth Avenue, Block 5715, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #12BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 28, 2016, at 10 A.M., for decision, hearing closed.

251-15-BZ

APPLICANT – Law Office of Fredrick A. Becker, for JAR Realty Company, LP, owner; Naturopathica Holistic Health, Inc., lessee.

SUBJECT – Application November 2, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Naturopathica Holistic Health*) spa in a portion of the first floor at the subject premises. M1-6 zoning district.

PREMISES AFFECTED – 127 West 26th Street, Block 802, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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DIRECTORY

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106-15-A & 107-15-A	42-29 & 42-31 149th Street, Queens
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New Case Filed Up to June 28, 2016

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
AUGUST 2, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 2, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

4-95-BZ
APPLICANT – Carl A. Sulfaro, Esq., for 21 Hillside Avenue, LLC, owner; Community Parking Corp., lessee.
SUBJECT – Application March 10, 2016 – Extension of Term (§11-411) of a previously approved variance permitting a Public Parking Lot (UG 8) for 48 cars which expired on June 27, 2015; Amendment to permit transient parking for unsued spaces; Waiver of the Rules. R7-2 zoning district.
PREMISES AFFECTED – 21-23 Hillside Avenue, Block 2170, Lot 110, Borough of Manhattan.
COMMUNITY BOARD #12M

APPEALS CALENDAR

2016-4182-A
APPLICANT – Jay Goldstein, Esq., for Robert Bruzzese, owner.
SUBJECT – Application May 5, 2016 – Proposed construction of a one-story warehouse not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. M3-1 (SRD) zoning district.
PREMISES AFFECTED – 16 Derick Court, Block 7206, Lot(s) 322, 323, Borough of Staten Island.
COMMUNITY BOARD #3SI

REGULAR MEETING
AUGUST 2, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 2, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

176-14-BZ
APPLICANT – Harold Weinberg, for Habib Jaradeh, owner.
SUBJECT – Application July 24, 2014 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family home contrary to floor area, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R5-OP zoning district.
PREMISES AFFECTED – 1981 East 9th Street, Block 7091, Lot 66, Borough of Brooklyn.
COMMUNITY BOARD #15BK

4-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Bais Chaya Esther Inc., owner.
SUBJECT – Application January 9, 2015 – Variance (§72-21) to permit the conversion of the existing building at the premises from residential to community facility use.
PREMISES AFFECTED – 119 Webster Avenue, block 5416, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #14BK

94-15-BZ
APPLICANT – Issa Khorasanchi, for Gregory Tulston, owner; Aldivent, Inc., lessee.
SUBJECT – Application April 28, 2015 – Special Permit (§73-36) to allow the construction of LA Fitness (*UFC Gym*) on the first floor of this commercial building. C8-1 zoning district.
PREMISES AFFECTED – 16 Brighton 11th Street, Block 8707, Lot 375, Borough of Brooklyn.
COMMUNITY BOARD #13BK

170-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Whistle Pig Associates, Inc., owner; Exhale Enterprises LLC, lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*Exhale Spa*) to be operated within an existing building. M1-5B zoning district.
PREMISES AFFECTED – 59 Thompson Street, Block 489,

Lot 36, Borough of Manhattan.
COMMUNITY BOARD #2M

225-15-BZ
APPLICANT – Friedman & Gotbaum LLP, for The Allen-Stevenson School, owner.
SUBJECT – Application September 25, 2015 – Variance (§72-21), with respect to height and setback regulations, to permit the enlargement of The Allen-Stevenson School, a nonprofit private kindergarten through Grade 9 school for boys. C1-8X, R8-B/LH-1A zoning district.
PREMISES AFFECTED – 126-134 East 78th Street (a/k/a 121-123 East 77th Street), Block 1412, Lot 58, Borough of Manhattan.
COMMUNITY BOARD #8M

269-15-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mousa Bukai and Touna Fteha, owners.
SUBJECT – Application December 8, 2015 – Special Permit (§73-622) for the conversion and enlargement of an existing two-family home to a single family residence. R5 (OP) zoning district.
PREMISES AFFECTED – 2076 Ocean Parkway, Block 7108, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4134-BZ
APPLICANT – Akerman LLP for St. Anastasia's Roman Catholic Church, owner; Divine Wisdom Catholic Academy, lessee.
SUBJECT – Application March 11, 2016 – Variance (§72-21) to permit the enlargement of a conforming school (UG 3) (Devine Wisdom Catholic Academy) contrary to ZR §24-111 (Floor Area Ratio). R2-A zoning district.
PREMISES AFFECTED – 45-11 245th Street, Block 8195, Lot(s)1, 8, 16, Borough of Queens.
COMMUNITY BOARD #11Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JUNE 28, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

636-54-BZ
APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for adjourned hearing.

698-59-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 8, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on December 9, 2015. C2-2/R4 zoning district.
PREMISES AFFECTED – 2773 Nostrand Avenue, northeast corner of Kings Highway and Nostrand Avenue. Block 7684, Lot 22. Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

548-69-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America Inc.
SUBJECT – Application January 15, 2016 – Amendment of a variance which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to expand the existing convenience store and make various changes to the site. C2-3/R6B zoning district.
PREMISES AFFECTED – 107-10 Astoria Boulevard, Block 1694, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q
ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for deferred decision.

APPEALS CALENDAR

106-15-A & 107-15-A
APPLICANT – Eric Palatnik, P.C., for Evan Zhang, owner.
SUBJECT – Application May 12, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 /36 of the General City Law. R4-1 zoning district.
PREMISES AFFECTED – 42-29 & 42-31 149th Street, Block 5380, Lot(s) 12, 13, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated September 11, 2015, acting on DOB Application Nos. 421087665 and 421088389, read in pertinent part:

> The proposed street extension has been mapped for 10 years but the city has yet to acquire title and is not duly placed on the official map of the City of New York therefore…[n]o building permit can issue pursuant to Section 35 of the General City Law …

WHEREAS, this is an application to permit the development of two three-story, two-family dwellings on lots 12 and 13 of Block 5380 which are located partially within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on March 22, 2016 after due notice by publication in *The City Record*, and then to decision on June 28, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 7, Queens, recommended denial of this application; and

WHEREAS, the subject site is comprised of two lots (lot 12 and tentative lot 13) located within an R4-1 zoning district, in Queens; and

WHEREAS, the site has approximately 50 feet of frontage along the east side of 149th Street and has a lot area of 6,250 sq. ft.; and

WHEREAS, a portion of the premises is within the bed of a mapped but unbuilt portion of Ash Avenue; and

WHEREAS, the applicant proposes to construct two three-story, two-family dwellings; and

WHEREAS, by letter dated February 2, 2016, the New York City Department of Environmental Protection ("DEP") states that DEP has no objections to the subject application; and

WHEREAS, by letter dated April 21, 2016, the New York City Fire Department ("FDNY") stated that it has no objections or recommendations related to the subject application; and

WHEREAS, by letter dated June 20, 2016, the New York City Department of Transportation ("DOT") comments that DOT Roadway Guidelines requires the proposed curb cut to be at least seven (7) feet from an existing or proposed tree; the letter also states that Ash Avenue between 149th Street and 149th Place is mapped at a 60-foot width on the City Map, that the City does not have title or a Corporation Counsel Opinion of Dedication for Ash Avenue for the premises and that the improvement of Ash Avenue at the premises is not presently included in DOT's Capital Improvement Program; and

WHEREAS, the applicant amended its plans to provide the required seven (7) feet between the proposed curb cut and all existing or proposed trees; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated September 11, 2015 acting on DOB Application Nos. 421087665 and 421088389, by the power vested in it by Section 35 of the General City Law, to grant this appeal, limited to the decisions noted above *on condition* that construction will substantially conform to the drawings filed with the application marked "Received June 23, 2016"– One (1) sheet; and *on further condition*:

THAT that all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by June 28, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 28, 2016.

234-14-A

APPLICANT – Law Offices of Marvin B. Mitzner, for Ohmni Properties, owners.

SUBJECT – Application September 29, 2014 – Appeal of the NYC Department of Buildings' determination to not revoke a Certificate of Occupancy issued in 1989 and reinstate the Certificate of Occupancy issued in 1985.

PREMISES AFFECTED –738 East 6th Street, south side of East 6th Street between Avenue C and Avenue D, Block 00375, Lot 0028, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for continued hearing.

238-15-A thru 243-15-A

APPLICANT – Jeffrey Geary, for Ed Sze, owner.

SUBJECT – Application October 8, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district.

PREMISES AFFECTED – 102-04, 08, 12, 16, 20, 24 Dunton Court, Block 14240, Lot(s) 1306, 1307, 1308, 1309, 1310, 1311, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

139-15-BZ
CEQR #15-BSA-217Q
APPLICANT – Eric Palatnik, P.C., for Merrissa Mgt. Holdings, owner; Life Sports Club, LLC, lessee.
SUBJECT – Application July 1, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Life Health Fitness*) in the cellar within a two-story building with a C2-2 commercial overlay. R3-1/C2-2 zoning district.
PREMISES AFFECTED – 10-24 154th Street, Block 4539, Lot 61, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated June 9, 2015, acting on Department of Buildings Application No. 421147752, reads in pertinent part:

> "Proposed use as a physical culture or health establishments including gymnasiums . . . is contrary to ZR 32-10, and requires a special permit from the BSA . . ."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site located in an R3-1 (C2-2) zoning district, the operation of a physical culture establishment (PCE) in a two-story plus cellar building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 14, 2016 after due notice by publication in *The City Record*, and then to decision on June 28, 2016; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of 154th Street, between 10th Avenue and 11th Avenue, in an R3-1 (C2-2) zoning district, in Queens; and

WHEREAS, the site has approximately 100 feet of frontage along 154th Street, 8,244 sq. ft. of lot area, and is improved with a two-story plus cellar building; and

WHEREAS, the subject PCE occupies 7,033 sq. ft. of floor area on the first floor, 7,397 sq. ft. of floor area on the second floor (a total of 14,430 sq. ft. of floor area) and 7,077 of floor space in the cellar; and

WHEREAS, the PCE has been in operation as Life Health Fitness since August 1, 2015; and

WHEREAS, the PCE's hours of operation are: Monday through Friday 4:30 a.m. to 12:00 a.m., Saturday through Sunday 7:00 a.m. to 10:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by Letter of Approval dated September 30, 2015, the Fire Department has inspected and approved the sprinkler and fire alarm systems—which includes a manual alarm, smoke detectors, and connection to central station—installed throughout the entire PCE space; and

WHEREAS, the Fire Department, by letter dated June 8, 2016, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the applicant notes that 28 parking spaces are available for users of the subject PCE in the parking lot located on the adjacent Lot 66 and accessible from 11th Avenue (the "Parking Lot"), and that valet service, which will increase the capacity of the Parking Lot to 40 parking spaces, will be provided on Mondays through Saturdays from opening to 11 a.m. and again from 7:00 p.m. to closing; and

WHEREAS, the Parking Lot is located partially within an R3-1 (C2-2) zoning district and partially, on the north and west edges, within an R3-1 zoning district, with residential uses immediately to the north and west; and

WHEREAS, accordingly, the northern and western edges of the Parking Lot have 6'-0" chain-link fencing with covered slats as a buffer to screen the use from residential neighbors; and

WHEREAS, additionally, in response to neighbors' concerns of excess lighting emanating from the Parking Lot, the applicant has agreed to maintain lighting within the confines of Parking Lot and ensure that levels fall to zero foot-candles at its edges; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA217Q, dated June 29, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules

of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to legalize, on a site located in an R3-1 (C2-2) zoning district, the operation of a physical culture establishment (PCE) in two-story plus cellar building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 24, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on August 1, 2025;

THAT valet parking shall be available from opening to 11:00 a.m. and 7:00 p.m. to closing;

THAT lighting will be maintained within confines of the Parking Lot and lighting levels shall fall off to zero foot-candles at its edges;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 28, 2016.

219-15-BZ
CEQR #16-BSA-029Q

APPLICANT – Eric Palatnik, P.C., for Alvin Berger, owner; Zhang Ming Wu, lessee.

SUBJECT – Application September 10, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Kings Spa*) on the second floor of a two-story building. M1-1 zoning district.

PREMISES AFFECTED – 945 61st Street, between Fort Hamilton and Ninth Avenue, Block 5715, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 3, 2016, acting on Department of Buildings Application No. 320622554, reads in pertinent part:

> "Proposed Physical Culture Establishment in an M1-1 zoning district is not permitted as-of-right as per ZR 42-10; and requires a special permit from the Board of Standards and Appeals pursuant to ZR 73-36 "; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story plus cellar building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on June 21, 2015 after due notice by publication in *The City Record*, and then to decision on June 28, 2016; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the north side of 61st Street, between 9th Avenue and Fort Hamilton Parkway, in an M1-1 district, in Brooklyn; and

WHEREAS, the site has approximately 161 feet of frontage along 61st Avenue, 16,125 sq. ft. of lot area, and is improved with a two story building; and

WHEREAS, the proposed PCE will occupy 10,816 sq. ft. on the second floor of the building and be operated as King's Spa; and

WHEREAS, the PCE will be accessible from an entrance on 61st Street by an elevator and stairs; and

WHEREAS, the PCE space will include private massage rooms, male and female locker rooms, saunas, 4'-deep pools, showers, a reception area, and eating areas; and

WHEREAS, while the facility will mostly provide chair massages, it will also provide massages by New York State-licensed massage therapists upon patrons' request; and

WHEREAS, the proposed hours of operation for the PCE are Monday through Friday 12:00 p.m. to 12:00 a.m. and Saturday and Sundays 12:00 p.m. to 3:00 a.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has provided the Board with plans representing that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fire Department approved central station—shall be installed throughout the entire PCE space; and

WHEREAS, by letter dated June 20, 2016, the Fire Department requested that the building be fully sprinklered; and

WHEREAS, in response to the Fire Department's request, the applicant provided the Board with a Letter of Recommendation from the Fire Department and Department of Building Query Inspection Report demonstrating that sprinklers are installed in the building and have already passed inspection; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16-BSA-029Q, dated September 10, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story plus cellar building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 27, 2016"- Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on June 28, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed;

THAT fire safety measures shall be installed as shown on the Board-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 28, 2016.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.

PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for deferred decision.

240-14-BZ

APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.

SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.

PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

34-15-BZ

APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.

SUBJECT – Application February 24, 2015 – Special Permit (§73-622)for the enlargement of an existing two story single family residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district.

PREMISES AFFECTED – 2316 Ocean Parkway, between Avenue W and Lancaster Avenue, Block 7181, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to July 12, 2016, at 10 A.M., for decision, hearing closed.

64-15-BZ
APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.
PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for continued hearing.

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, JUNE 28, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

249-15-BZ
CEQR #16-BSA-046K
APPLICANT – Sheldon Lobel, P.C., for Starrstruck Holding LLC, owner; Rock Starr LLC d/b/a MetroRock, lessee.
SUBJECT – Application October 8, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*MetroRock*) to be located on the first floor of an existing building. M1-1 zoning district.
PREMISES AFFECTED – 321 Starr Street, Block 3190, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #4BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Deputy Borough Commissioner, dated October 6, 2015, acting on Department of Buildings Application No. 320908906, reads in pertinent part:

> "Proposed Physical Culture Establishment use is contrary to ZR Section 42-00 and is hereby referred to the BSA for a special permit pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR § 73-36 and 73-03 to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) on the first floor of an existing one-story building and the proposed second floor of that building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on June 28, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Community Board 4, Brooklyn, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of Starr Street and Cypress Avenue, in an M1-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 233 feet of frontage along Starr Street, 100 feet of frontage along Cypress Avenue, 23,250 sq. ft. of lot area, and is improved upon with a one-story warehouse building; and

WHEREAS, the propose PCE will occupy 9,880 sq. ft. of floor area on the first floor of the building and 1,352 sq. ft. of floor area on a proposed second floor of the building, yet to be constructed, for a total of 11,232 sq. ft. of floor area; and

WHEREAS, the PCE will be operated as metroROCK; and

WHEREAS, the first floor space will contain the lobby, restrooms, and rock climbing facilities while administrative offices, treadmills, free weights and multi-purpose rooms will be located on the second floor; and

WHEREAS, the proposed hours of operation for the PCE are Monday through Sunday, 6:00 a.m. to 12:00 a.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has represented to that Board that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fire Department approved central station—will be installed throughout the entire PCE space and that the space will be fully sprinklered; and

WHEREAS, the applicant further represents that the PCE is fully ADA-accessible; and

WHEREAS, by letter dated June 24, 2016, the Fire Department states that it has no objection to the approval of this application; and

WHEREAS, the applicant submits that the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA046K, dated October 28, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) on the first floor of an existing one-story building and the proposed second floor of that building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 8, 2016"— Seven (7) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on June 28, 2026;

THAT the hours of operation at the PCE shall be Monday through Sunday, 6:00 a.m. to 12:00 a.m.;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fire Department approved central station—shall be installed throughout the entire PCE space, as indicated on the Board-approved plans;

THAT the entire PCE space shall be fully sprinklered, as indicated on the Board-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 28, 2016.

156-15-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Pamela Equities Corp., owner; NYHRC, lessee.

SUBJECT – Application July 8, 2015 – Special Permit (73-36) to reestablish a special permit to allow an existing physical culture establishment ("*NYHRC*") within a portion of an existing eleven story commercial building located in a C5-2(MID) and C5-2(MID) zoning district.

PREMISES AFFECTED – 18/20 East 50th Street, Block 1285, Lot 59, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for decision, hearing closed.

221-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 55 Washington Street, LLC, owner; Equinox 55 Washington, Inc., lessee.
SUBJECT – Application September 14, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*Equinox*) within an existing nine story commercial building. M1-2/R8A(MX-2) zoning district.
PREMISES AFFECTED – 41/55 Washington Street, (aka 28/56 Adams Street, 97/119 Front Street, Block 38, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for decision, hearing closed.

2016-1210-BZ
APPLICANT – Philip L. Rampulla, for Hylan Ross, LLC, owner; KTN Hylan, LLC, lessee.
SUBJECT – Application January 14, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Retro Fitness*) on the second floor of an existing commercial building. C4-1 zoning district.
PREMISES AFFECTED – 2590 Hylan Boulevard, Block 3969, Lot 57, Borough of Staten Island.
COMMUNITY BOARD #2SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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2016-4222-BZ
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2016-4226-A
265 Ocean Parkway, located on Ocean Parkway, within 100 feet of the intersection formed by Beverley Road and Ocean Parkway., Block 05358, Lot(s) 91, Borough of **Brooklyn, Community Board: 12**. Interpretive Appeals of a New York City Department of Buildings ("DOB") ZRD1 determinations regarding the street wall, setbacks, and balconies at the Premises. Specifically, Applicant requests the BSA determine that 1) balconies are included as part of a street wall and as part of required setback measurements and 2) balconies which do not protrude into a narrow court are not obstructions. R7A (Special Ocean Parkway District) zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
AUGUST 16, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 16, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

1129-64-BZ
APPLICANT – Davidoff Hutcher & Citron, LLP, for 147-36 Brookville Boulevard Corp., owner.
SUBJECT – Application January 11, 2016 – Extension of Term of a previously approved Variance (72-21) permitting the operation of an Auto Supplies Sales Establishment (UG 6) which expired on June 10, 2015; Amendment to legalize interior layout changes, permit general Use Group 6 Use and eliminate the term of the variance; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 147-36 Brookville Boulevard, Block 13729, Lot(s) 30, 33, Borough of Queens.
COMMUNITY BOARD #13Q

104-05-BZ
APPLICANT – Davidoff Hutcher & Citron, LLLP, for 275 Park Associates LLC, owner; Park Avenue Health Club, LLC, owner.
SUBJECT – Application November 24, 2015 – Extension of Term of a previously approved Special Permit (73-36) permitting the operation of a physical culture establishment which expired on October 25, 2015. M1-2 zoning district.
PREMISES AFFECTED – 255-275 Park Avenue, Block 1874, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK

4-11-BZ
APPLICANT – Law Office of Lyra J. Altman, for 1747 East 2nd Street, LLC, by Jack Elbaz, owner.
SUBJECT – Application May 9, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a three-story synagogue, contrary to bulk regulations which expired on September 13, 2015; Waiver of the Rules. R5 (OP) zoning district.
PREMISES AFFECTED – 1747-1751 East 2nd Street (aka 389 Quentin Road), Block 6634, Lot 49, Borough of Brooklyn.
COMMUNITY BOARD #15BK

APPEALS CALENDAR

272-15-A
APPLICANT – Eric Palatnik, P.C., for Tribanor Real Estate, owner.
SUBJECT – Application December 14, 2015 – Proposed construction of a commercial building, not fronting a legally mapped street, contrary to General City Law 36. M3-1 zoning district.
PREMISES AFFECTED – 35 Derick Court, Block 7206, Lot 510, Borough of Staten Island.
COMMUNITY BOARD #3SI

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
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COMMUNITY BOARD #3SI

2016-4174-A
APPLICANT – Anthony Scaduto for NYC Fire Department, for Sarasota Gold LLC, owner.
SUBJECT – Application April 18, 2016 – to approve the modification of Certificate of Occupancy. R6 zoning district.
PREMISES AFFECTED – 711 Seagirt Avenue, Block 15610, Lot 1, Borough of Queens.
COMMUNITY BOARD #14Q

REGULAR MEETING
AUGUST 16, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 16, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

54-14-BZ
APPLICANT – Moshe M. Friedman, P.E., for 11-01 Irving Avenue, LLC, owner.
SUBJECT – Application April 3, 2014 – Variance (§72-21) to permit development of a three story and penthouse residential building, contrary to use regulations (§42-00). M1-4 zoning district.
PREMISES AFFECTED – 1506 Decatur Street aka 11-01

Irving Avenue aka 1504 Decatur Street, Block 3542, Lot 12, Borough of Queens.
COMMUNITY BOARD #5Q

28-15-BZ
APPLICANT – Law Offices of Marvin B. Mitzner LLC, for Thurcon Properties, owner; SPA 88 LLC, lessee.
SUBJECT – Application February 17, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Spa 88*) on the first, cellar and sub-cellar floors of the existing building. C6-4 zoning district.
PREMISES AFFECTED – 88 Fulton Street, Block 77, Lot 24, Borough of Manhattan.
COMMUNITY BOARD #1M

131-15-BZ
APPLICANT – Eric Palatnik, for 650 Broadway Realty Inc., owner; Joshua Griffiths, lessee.
SUBJECT – Application June 1, 2015 – Special Permit (73-36) to allow the legalization of physical culture establishment (*Clockwork Jiu Jitsu*) on the second floor of a five-story plus cellar building. M1-5B zoning district.
PREMISES AFFECTED – 650 Broadway, Block 529, Lot 4, Borough of Manhattan.
COMMUNITY BOARD #2M

277-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Benjamin and Rivka Perl, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to (ZR 23-141B). R2 zoning district.
PREMISES AFFECTED – 2621-2623 Avenue R (aka 1788-1798 East 27th Street) Block 6809, Lot 47, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-1209-BZ
APPLICANT – Law Office of Jay Goldstein, for Yechezkel Reichman, owner.
SUBJECT – Application January 14, 2016 – Special Permit (§73-622) & Variance (§72-21) for the enlargement of an existing single family home. R2 zoning district.
PREMISES AFFECTED – 2701 Avenue K (1085 East 27th Street), Block 7609, Lot 9, Borough of Brooklyn.
COMMUNITY BOARD #14BK

2016-1216-BZ
APPLICANT –Sheldon Lobel, P.C., for 1128 36th LLC, owner.
SUBJECT – Application February 5, 2016 – Special Permit (§73-19) to allow for a Use Group 3 school (*Yeshiva Ohr Yoseph*) on the basement to third floors of a new six-story building and Special Permit (§73-44) to permit a reduction in the number of accessory off-street parking spaces required pursuant to ZR 44-21 for commercial office use (UG 6B) on the fourth to sixth floors. M1-2 zoning district.
PREMISES AFFECTED – 1128 36th Street, Block 5292, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JULY 12, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

698-59-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 8, 2016 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on December 9, 2015. C2-2/R4 zoning district.
PREMISES AFFECTED – 2773 Nostrand Avenue, northeast corner of Kings Highway and Nostrand Avenue. Block 7684, Lot 22. Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of time to obtain a Certificate of Occupancy pursuant to a variance previously granted by the Board; and

WHEREAS, a public hearing was held on May 24, 2016, after due notice by publication in *The City Record*, with a continued hearing on June 28, 2016 and then to decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is a triangular lot located on the northeast corner of Nostrand Avenue and Kings Highway, in an R4 (C2-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 171 feet of frontage along Nostrand Avenue, 261 feet of frontage along Kings Highway, 16,835 sq. ft. of lot area and is occupied by an automotive service station; and

WHEREAS, the Board has exercised jurisdiction over the premises since March 22, 1960 when, under the subject calendar number, the Board granted a variance to permit the reconstruction of an existing service station and expansion of the gasoline service station use; and

WHEREAS, on May 17, 1983 and May 12, 1987 under the subject calendar number, the Board amended the variance to permit alterations to the site; and

WHEREAS, on December 9, 2014, under the subject calendar number, the Board amended the variance to permit the conversion of a building located on the site from a gasoline service station to an accessory convenience store on condition that, among other things, a Certificate of Occupancy be obtained by December 9, 2015; and

WHEREAS, the time for obtaining a Certificate of Occupancy having expired, the applicant now seeks a two-year extension of time to obtain a Certificate of Occupancy; and

WHEREAS, the Board notes that the subject application was timely filed consistent with Board Rules of Practice and Procedure § 1-07.3(d)(1); and

WHEREAS, the applicant represents that there has been no construction at the site since the December 2014 approval, but that construction can be completed and a Certificate of Occupancy obtained within the two year extension period requested; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 22, 1960, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Certificate of Occupancy to December 9, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received June 30, 2016'- Seven (7) sheets; and *on further condition*:

THAT a Certificate of Occupancy for the premises shall be obtained by December 9, 2017;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 12, 2016.

77-99-BZ
APPLICANT – Alfonse Duarte, P.E., for Turnpike Auto Laundry Inc., owner.
SUBJECT – Application February 24, 2015 – Extension of Term of previously approved variance which permitted the operation of an existing auto laundry which expired on February 8, 2015. C8-1 & R2A zoning districts.
PREMISES AFFECTED – 255-39 Jericho Turnpike, Block 8830, Lot 52, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a variance, previously granted by the Board, which expired on February 8, 2015; and

WHEREAS, a public hearing was held on this application on May 3, 2016, after due notice by publication in *The City Record*, with a continued hearing on July 12, 2016 and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 13, Queens, recommends approval of this application; and

WHEREAS, the subject site is an irregularly shaped lot located on the north side of Jericho Turnpike, between Little Neck Parkway and 256th Street, partially within a C8-1 zoning district and partially within an R2A zoning district, in Queens; and

WHEREAS, the site has approximately 72 feet of frontage along Jericho Turnpike, 40 feet of frontage along 256th Street, 17,550 sq. ft. of lot area and is occupied by a two-story building containing an automobile laundry; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 25, 1929 when, under BSA Cal. No. 130-29-A, the Board granted an appeal permitting a motor vehicle repair shop at the premises; and

WHEREAS, on July 21, 1970, under BSA Cal. No. 128-70-BZ, the Board granted an application to permit the change in occupancy of the building on the premises from a motor vehicle repair shop to an automobile laundry; and

WHEREAS, on May 7, 1991, under BSA Cal. No. 16-90-BZ, the Board granted a special permit allowing the enlargement of the existing automobile laundry into the portion of the lot within, what was then, an R2 zoning district for a term of five (5) years, expiring May 7, 1996; and

WHEREAS, on February 8, 2000, subsequent to the expiration of the previously granted special permit and under the subject calendar number, the Board granted a variance legalizing the enlargement of the automobile laundry into the portion of the premises within, what was then, an R2 zoning lot for a term of five (5) years, expiring February 8, 2005, and specifying that the hours of operation of the premises are Monday through Saturday 8:00 a.m. to 6:00 p.m. and Sunday 8:00 a.m. to 4:00 p.m.; and

WHEREAS, on June 5, 2001, under the subject calendar number, the Board amended the resolution to permit the addition of a second story on the portion of the building located in, what was then, a C8 zoning district subject to conditions, including that a Certificate of Occupancy be obtained within eighteen (18) months; and

WHEREAS, on July 22, 2003, under the subject calendar number, the Board waived its Rules of Practice and Procedure and extended the time to obtain a Certificate of Occupancy to July 22, 2005; and

WHEREAS, on January 24, 2006, under the subject calendar number, the Board extended the term of the variance for an additional ten (10) years, expiring February 8, 2015, and extended the time to obtain a Certificate of Occupancy by an additional year, expiring January 24, 2007; and

WHEREAS, the previous variance term having expired, the applicant now seeks an additional ten (10) year extension; and

WHEREAS, the Board notes that though the site has permits for three (3) accessory business signs and no permits for any advertising signs, the Board observed, upon its inspection of the site, advertising signage at the premises and, thus, conditions the subject approval on the permitted signs not being used as advertising signs, as defined in ZR § 12-10; and

WHEREAS, the Board finds that a ten (10) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 8, 2000, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on February 8, 2025; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received June 20, 2016'-Nine (9) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years expiring February 8, 2025;

THAT the hours of operation shall be Monday through Saturday 8:00 a.m. to 6:00 p.m. and Sunday 8:00 a.m. to 4:00 p.m.;

THAT the three (3) accessory business signs permitted at the site shall not be used for advertising;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 12, 2016.

1255-80-BZ
APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.
SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.
COMMUNITY BOARD #1Q
ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for adjourned hearing.

374-71-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 205-11 Northern Boulevard LLC, owner.
SUBJECT – Application May 7, 2014 – Extension of Term of a previously granted Variance (72-21) for the continued operation of an automobile showroom with open display of new and used cars (UG16) with accessory customer and employee parking in a previously unused vacant portion of the premises which expired on July 18, 2011. C2-2 (R3-2) zoning district.
PREMISES AFFECTED – 205-11 Northern Boulevard, Block 06269, Lot 20, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for adjourned hearing.

1122-81-BZ
APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.
SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.
COMMUNITY BOARD #4Q
ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for adjourned hearing.

826-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

827-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 270-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

828-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartment, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.
COMMUNITY BOARD #13Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

80-05-BZ
APPLICANT –Aura Wellness Spa Corp., for Erol Devli, owner; Rockford Chun, lessee.
SUBJECT – Application December 15, 2015 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Aura Wellness Spa Corp.) which expired on November 15, 2015. C6-6 and C6-4.5 zoning district.
PREMISES AFFECTED – 49 West 33rd Street, Block 835, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #5M

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for adjourned hearing.

APPEALS CALENDAR

67-13-A
APPLICANT – Board of Standards and Appeals
OWNER OF PREMISES – OTR MEDIA GROUP, INC & OTR 945 Zerega.
SUBJECT – Application August 13, 2014 – Reopening by court remand for supplemental review of whether a sign at the subject site was a permitted non-conforming advertising sign in light of the Board's decision in BSA Cal. No. 96-12-A. M1-1 zoning district.
PREMISES AFFECTED – 945 Zerega Avenue, between Quimby Avenue and Bruckner Boulevard, Block 3700, Lot 31, Borough of Bronx.
COMMUNITY BOARD #9BX
ACTION OF THE BOARD – Application Denied.
THE VOTE TO GRANT –
Affirmative: 0
Negative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
THE RESOLUTION –

WHEREAS, this appeal returns to the Board pursuant to an Order of the Supreme Court of New York, New York County (the "Court"), filed in OTR Media Group, Inc. v. Board of Standards and Appeals of the City of New York (Index No. 101422/2013) (the "Subject Proceeding") on May 6, 2015, which annulled the Board's decision, dated September 16, 2014, and remanded the matter for a determination by the Board that a sign at the subject premises has (1) continuously existed at the premises since its establishment prior to November 1, 1979, and (2) has continuously been used for advertising purposes; and

WHEREAS, the subject premises is located on the southwest corner of Zerega Avenue and Bruckner Boulevard, in an M1-1 zoning district, in the Bronx; and

WHEREAS, the site is occupied by a five-story commercial building and atop the building is a sign structure containing a sign with a surface area of 672 sq. ft. (the "Sign"); and

WHEREAS, a second sign measuring 20 feet by 24 feet and facing Zerega Avenue (the "Northerly Sign") was previously attached to the same structure atop the building on the subject site, but is not the subject of this appeal; and

BACKGROUND

WHEREAS, under Local Law 31 of 2005, the New York City Council enacted certain amendments to the New York City Administrative Code in relation to the regulation of outdoor advertising signs; and

WHEREAS, the amendments are codified under Articles 501, 502 and 503 of the 2008 New York City Building Code and were enacted to provide the DOB with a means of enforcing the sign laws where signs had been erected and were being maintained without a valid permit; and

WHEREAS, pursuant to Article 502 (specifically 2008 New York City Building Code § 28-502.4, an outdoor advertising company is required to submit to DOB an inventory of:

> all signs, sign structures and signs located (i) within a distance of 900 linear feet (274 m) from and within view of an arterial highway; or (ii) within a distance of 200 linear feet (60,960 mm) from and within view of a public park with an area of ½ acre (5000 m) or more; and

WHEREAS, the Sign is 50 feet from and within view of the Cross Bronx Expressway, an arterial highway pursuant to Appendix H of the Zoning Resolution; and

WHEREAS, Local Law 31 also authorized the DOB Commissioner to promulgate rules establishing permitting requirements for certain signs; and

WHEREAS, DOB promulgated rules, enacted under 1 R.C.N.Y. § 49 ("Rule 49"), providing specific procedures for registration of advertising signs; and

> WHEREAS, Rule 49-15(d)(5) reads in pertinent part: Each sign shall be identified as either 'advertising1' or 'non-advertising.' To the extent a sign is a non-conforming2 sign, it must further be identified as 'non-conforming advertising' or 'non-conforming non-advertising.' A sign

1 Rule 49 refers to ZR § 12-10 for the definition of "advertising sign," wherein the term is defined as "a #sign# that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same #zoning lot# and is not #accessory# to a #use# located on the zoning lot." (Words appearing in the Zoning Resolution in #italics# are defined terms and interpreted pursuant to ZR § 12-10.)

2 Rule 49 refers to ZR § 12-10 for the definition of "non-conforming," wherein the term "non-conforming use" is defined as "any lawful #use#, whether of a #building or other structure# or of a #zoning lot#, which does not conform to any one or more of the applicable #use# regulations of the district in which it is located, either on December 15, 1961 or as a result of any subsequent amendment thereto . . ."

identified as 'non-conforming advertising' or 'non-conforming non-advertising' shall be submitted to the Department for confirmation of its non-conforming status, pursuant to 1 RCNY § 49-16 of this chapter; and

WHEREAS, Rule 49-15(d)(15)(b) sets forth the forms of evidence that must be included in a registration application to establish the lawful status of a non-conforming sign at a particular size and reads:

> Acceptable evidence may include permits, sign-offs of applications after completion, photographs and leases demonstrating that the non-conforming use existed prior to the relevant date. Affidavits, Department cashier's receipts and permit applications, without other supporting documentation are not sufficient to establish the non-conforming status of a sign. The submitted evidence must specifically establish the non-conforming aspect of the sign. For example, where evidence is submitted to establish that a sign is a non-conforming advertising sign, proof that the sign was erected, but that does not establish that it was advertising, will not be sufficient; and

PROCEDURAL HISTORY

WHEREAS, on September 5, 2012, pursuant to the requirements of Article 502 of the 2008 New York City Building Code and Rule 49, the lessee of the sign structure at the premises (the "Appellant") submitted a Sign Registration Application for the Sign and completed an OAC3 Outdoor Advertising Company Sign Profile, attaching copies of cancelled checks, leases and other agreements as evidence of the establishment of the Sign as a legal non-conforming advertising sign; and

WHEREAS, on October 3, 2012, DOB issued a Notice of Sign Registration Deficiency, stating that "[DOB is] unable to accept the sign for registration at this time (due to a) failure to provide proof of legal establishment of the sign"; and

WHEREAS, the Appellant submitted a response to DOB by letter, dated December 3, 2012, including additional leases and DOB records, which it claimed demonstrated that the Sign was legally established; and

WHEREAS, DOB determined that Appellant's submission lacked sufficient evidence of the Sign's establishment and issued a Notice of Sign Registration Rejection Letter (the "Final Determination") dated January 13, 2013; and

WHEREAS, the Final Determination reads in pertinent part:

> The Department of Buildings is in receipt of additional documentation submitted in response to the Deficiency Letter from the Sign Enforcement Unit and in connection with the application for registration of the above-referenced sign. However, such documentation does not support the establishment of the existing sign prior to the relevant non-conforming use date. As such the sign is rejected. This sign will be subject to enforcement action 30 days from the issuance of this letter; and

WHEREAS, in addition, on January 31, 2013, DOB revoked Permit No. 210039224 (issued for repair to the structural elements of the Sign on March 27, 2008) and Permit No. 201143253 (issued for repair of the Sign on April 21, 2008) (referred to collectively herein as the "Permits") based on its own determination that the Sign was not established as a legal non-conforming advertising sign; and

WHEREAS, this matter originated at the Board by application, dated February 12, 2013, in which the Appellant sought reversal of DOB's rejection of its Sign Registration Application and revocation of the Permits based on DOB's determination that the Appellant failed to provide evidence of the establishment of a legal non-conforming advertising sign at the premises; and

WHEREAS, a public hearing was held on that application on July 16, 2013, after due notice by publication in *The City Record*, and then to decision on September 24, 2013, wherein the Board denied the appeal, concluding that the Appellant had failed to meet its burden of demonstrating that the Sign was established prior to November 1, 1979, the date by which, pursuant to ZR § 42-55(c)(2), the Sign would have to have been erected, structurally altered, relocated or reconstructed in order to attain legal non-conforming use status; and

WHEREAS, subsequent to the Board's decision, the Appellant filed the Subject Proceeding pursuant to New York Civil Practice Law and Rules ("CPLR") Article 78 to overturn the Board's denial; and

WHEREAS, the matter was first remanded to the Board pursuant to a Stipulation filed in the Subject Proceeding, executed by the Appellant and the City of New York (the "City") and dated August 13, 2014, for the sole purpose of reconsidering the Board's decision dated September 24, 2013, in light of the Board's decision, pertaining to signs at 2284 12th Avenue, Manhattan (BSA Cal. Nos. 96-12-A and 97-12-A) dated January 8, 2013, a case that the Appellant argued was indistinguishable from the subject case, particularly in that both cases included 1978 leases for sign structures as evidence that they were legal non-conforming advertising signs; and

WHEREAS, accordingly, the Board held a public hearing on that remand on September 16, 2014, and voted on the same date to re-adopt its decision of September 24, 2013, denying the appeal with the addition of three recitals distinguishing the subject case from the facts of 2284 12th Avenue; and

WHEREAS, specifically, the Board found that in addition to including a 1978 sign structure lease, the record in the 2284 12th Avenue case included a 1999 reconsideration signed by the then-Manhattan Borough Commissioner of DOB acknowledging that the signs were to have legal non-conforming use as advertising signs, and that evidence of similar caliber was absent from the record in the subject matter; and

WHEREAS, at the hearing in the Subject Proceeding held before the Honorable Alice Schlesinger on April 15, 2015, the Court held that it was arbitrary and capricious for the Board to afford greater evidentiary weight, in the 2284 12th Avenue case, to a reconsideration signed and issued by a DOB Commissioner nearly 20 years after the sign structure lease than, in the subject case, to self-certified sign permits, later signed by a DOB Commissioner and the Bronx Borough Commissioner, issued in 2008, nearly 30 years after the 1978 sign structure lease submitted by Appellant; and

WHEREAS, accordingly, the Court annulled the Board's decision dated September 24, 2013, and remanded the matter to the Board for determinations as to whether (1) the Sign has been used continuously at the subject site since being legally established prior to November 1, 1979, and (2) the Sign has continuously been used for advertising purposes; and

WHEREAS, in accordance with the Court's Order, the Board held public hearings on this remand on September 22, 2015, October 27, 2015, January 12, 2016 and April 12, 2016 and rendered its decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed site and neighborhood examinations of the premises and surrounding area; and

ADVERTISING AND ACCESSORY SIGNS UNDER THE ZONING RESOLUTION

WHEREAS, the Zoning Resolution distinguishes between advertising signs and accessory signs and has a separate regulatory regime for each; and

WHEREAS, to qualify as an "accessory sign" under ZR § 12-10, the sign must be located on the same zoning lot as the principal use with which it is related; its use must be clearly incidental to, and customarily found in connection with, that principal use; and the sign must either be in the same ownership as the related principal use or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use; and

WHEREAS, advertising signs are defined in ZR § 12-10 as, in part, signs that are not accessory to a use located on the same zoning lot; and

THE APPELLANT'S POSITION

WHEREAS, the Appellant argues that the Sign has been both continuously present at the site since being legally established prior to November 1, 1979, and continuously used for advertising purposes; and

WHEREAS, in support of these contentions, the Appellant submitted the following evidence3: a lease between Joma Manufacturing Company ("Joma"), the then-owner of the premises, and Allied Outdoor Advertising ("Allied"), dated June 12, 1978, for such portion of the roof and parapet of the building as required to build an advertising sign for a term of seven years, expiring June 14, 1985, (the "1978 Lease"); the affidavit of Richard J. Theryoung, the President of Allied from 1979 to 1997, dated February 12, 2013, attesting to Allied's construction of a billboard on the roof of the building at the premises in early 1979 and that the billboard was continuously used thereafter for advertising for various companies, including Marlboro (the "Theryoung Affidavit"); a specification sheet from Premier Roofing Company ("Premier"), dated November 18, 1978, referencing intended repairs to "billboard dunnage beams" at the premises and a receipt for such work (the "1978 Premier Receipt") dated December 21, 1978; the affidavit of Fred Ciliotta, the President of Premier, dated January 16, 2015, confirming that Premier performed roofing work at the premises in December 1978 that included flashing installation on the beams of a rooftop billboard (the "Ciliotta Affidavit"); a Work Completion Notice from Allied, dated July 15, 1980, indicating that a painted outdoor advertising display for Best Way Stores was completed at the premises on June 12, 1980 (the "1980 Work Completion Notice"); an invoice from Allied to Fugazy Continental Corporation of Connecticut, dated August 17, 1985, for a radio-car service advertisement at the premises; a Leo Burnett Advertising record showing expenses for a permanent advertisement measuring 20 feet by 60 feet for their client, Philip Morris, at the premises from January 1, 1987, to December 31, 1987; a roof and walls lease agreement between Allied and Metro Self Storage, the successor to Joma as owner of the premises, dated March 1, 1988, entered into "for the purpose of erecting and maintaining . . . advertising structures and displays" at the premises for a term of eight years beginning on the first day of the first month following erection of the advertising displays (the "1988 Lease"); the Rider to the 1988 Lease, dated March 1, 1988, specifying that Allied "shall erect" a two-faced advertising structure with one side measuring 20 feet by 60 feet and facing Bruckner Boulevard (the "Westerly Sign") and one side measuring 20 feet by 24 feet and facing Zerega Avenue (the Northerly Sign) with the signs to be used as "business signs" and the Northerly Sign "to be available only for advertising copy of [Metro Self Storage] or 'McDonalds'" (the "1988 Rider")4; a photograph of a Marlboro advertisement at the premises as viewed from Bruckner Boulevard purportedly from the late 1980s; an accounting record from Leo Burnett Advertising indicating a permanent advertising sign measuring 14 feet

3 This recitation is made solely to describe the evidence submitted and representations made by the Appellant in support of its appeal, and is not intended to suggest that any or all of the documentation that follows is sufficient to establish the continuous use of a sign for advertising purposes.

4 It is unclear to the Board whether "business sign" and "advertising," as they appear in the 1988 Rider, were used loosely for their general meaning or as terms of art specifically associated with the Zoning Resolution (under which a "business sign" is interpreted as an "accessory sign", as defined in ZR § 12-10, and, thus, non-advertising).

by 48 feet for Marlboro at the premises from March 1, 1990, to December 31, 1990; an electrical application to DOB, entered on January 14, 1994, and signed off on July 21, 1994, for the connection of a sign at the premises; a letter from Allied to Metro Self Storage, dated January 31, 1996, expressing an interest in extending the 1988 Lease for an additional ten years; a Leo Burnett Advertising record, dated November 26, 1996, indicating a contract for an outdoor illuminated Philip Morris advertising sign at the premises measuring 14 feet by 48 feet and facing west, from January 1, 1994, through January 14, 1998; a record, dated May 27, 1997, indicating a new lease between Metro Self Storage and Universal Outdoor, Allied's successor in interest, for a 19'-6" by 48 feet sign at the premises for a term of eight years, effective April 1, 1992; a lease between Metro Self Storage and Universal Outdoor, dated March 1, 1998, for outdoor advertising structures and displays at the premises for a term of ten years (the "1998 Lease"), described as a renewal and extension of the 1988 Lease; a letter from Extra Space Storage, the successor to Metro Self Storage as owner of the premises, to Clear Channel Outdoor ("Clear Channel"), assignee of Universal Outdoor's interest in the 1998 Lease, dated November 27, 2007, giving Clear Channel 90-day notice of an intention to terminate the 1998 Lease; a DOB permit, dated April 10, 2008, to refurbish and repair portions of the existing light box on a 672 sq. ft. roof-top advertising sign at the premises rising to a height of 34 feet above the roof; photographs showing a sign at the premises in or around 2005 and at various times from 2008-2014 displaying copy relating to Mohegan Sun, State Farm Insurance, Bacardi, and Pepsi, among others; Clear Channel records indicating that its lease at the premises was terminated effective February 28, 2008; and the affidavit of Bruce Silverman, an advertising industry expert, dated May 31, 2013, attesting to the fact that rooftop signage adjacent to or highly visible from major arteries in New York are so valuable that they are unlikely to be without advertising for an extended period of time (the "Silverman Affidavit"); and

WHEREAS, upon the request for clarification from the Board, the Appellant avers that all of the evidence submitted to prove continuous advertising use relates to the use of the Sign, and not the Northerly Sign identified in the 1988 Lease; and

WHEREAS, the applicant argues that DOB routinely accepts leases with outdoor advertising companies as evidence of bona fide advertising sign usage and that DOB's failure to accept, in this case, the 1978 Lease (with Allied), the 1988 Lease (with Allied), and the 1998 Lease (with Universal Outdoor) as evidence of continuous advertising use of the Sign is inconsistent with DOB policy and practice; and

WHEREAS, in particular, the Appellant makes reference to Rule 49-15(d)(15)(b) which states that evidence that a non-conforming sign existed at the site at a particular size and is entitled to lawful status "may include permits, sign-offs of applications after completion, photographs and leases demonstrating that the non-conforming use existed prior to the relevant date"; and

WHEREAS, in response, DOB argues that Rule 49 is discretionary; that the purpose of the evidence referred to in Rule 49 is to establish the existence of the sign prior to the relevant date and thus its non-conforming status, not its specific use as an advertising sign; that in order to establish advertising use of the non-conforming sign, "leases," as used in Rule 49, refers to leases between an outdoor advertising company and an advertiser because an advertiser is unlikely to lease space that it does not use, and does not refer to leases between a landlord and an outdoor advertising company, which may be in effect prior to the erection of a sign, or during periods when the sign sits vacant or is utilized for non-advertising copy; and that in similar situations where a lease with the landlord is the only evidence available, DOB accepts photographs taken by a government agency or commercially available aerial photos to establish that a non-conforming sign was utilized for advertising; and

WHEREAS, DOB refers the Board to the New York City Department of Finance ("DOF") tax photos of the premises and of nearby properties located at 2353 Quimby Avenue and 931 Zerega Avenue, all taken sometime between 1983 and 1987 (collectively, the "Tax Photos"), in which neither the Sign nor its roof-top sign structure are visible; and

WHEREAS, the Tax Photos, along with specification in the 1988 Rider that Allied "shall erect" a two-faced advertising structure at the site, suggested to the Board that the Sign may have been removed prior to 1988 and reconstructed at the premises sometime thereafter; and

WHEREAS, the structural alteration, relocation or reconstruction of an existing advertising signs within 200 feet of an arterial highway is prohibited pursuant to ZR § 42-55(a)(2)5; and

WHEREAS, further, pursuant to ZR § 52-616, a non-

5 Section 42-55(a) reads: "In [M1, M2, and M3 zoning districts], as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#. (a)Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions: (1) no permitted #sign# shall exceed 500 square feet of #surface area#; and (2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed."

6 Section 52-61 reads, in relevant part: "If, for a continuous period of two years, either the #non-conforming use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing."

conforming use is deemed to have discontinued when its active operation has ceased for a continuous period of two years; and

WHEREAS, accordingly, the Board asked the Appellant to explain the apparent reconstruction of the sign on the premises in light of the prohibition against such action under ZR § 42-55(a)(2) and whether the use of the Sign was absent from the site for at least two years and thus discontinued, pursuant to ZR § 52-61; and

WHEREAS, the Appellant states that the Tax Photos do not constitute evidence that the Sign or sign structure were ever removed from the site and subsequently reconstructed; and

WHEREAS, the Appellant suggests, instead, that the Sign and sign structure were hidden from view in the Tax Photos and, in support of that assertion, submitted a tax photo of 944 Havemeyer Avenue, a property located approximately 600 feet west of the subject site, in which the Appellant claims the sign structure at the subject premises is partially visible; and

WHEREAS, additionally, the Appellant provided additional evidence to suggest that it was the pattern and practice of DOF at the time to take tax photos of properties with wide angle lenses so as to avoid including the image of any rooftop signage; and

WHEREAS, however, assuming that the Sign and sign structure did not, in fact, exist at the premises at the time that the Tax Photos were taken, the Appellant asserts that the Sign's absence on the dates that the Tax Photos were taken by DOF does not prove that any previously established advertising use of the Sign has ceased for a continuous period of two years as required under ZR § 52-61 to constitute a discontinuance; and

WHEREAS, with regards to the 1988 Rider, the Appellant suggested at hearing, but provided no supporting documentation, that the contract was unartfully drafted and that the intention was for Allied to add a second side to the existing structure, which at the time held only the previously established 20 feet by 60 feet sign, to accommodate the Northerly Sign; and

WHEREAS, in the alternative, interpreting the 1988 Rider to mean that Allied was to build an entirely new two-sided advertising sign structure at the site, and not simply add onto a sign structure present at the subject premises at the time, the Appellant argues that ZR § 42-55(c)(2) 7, not ZR § 42-55(a)(2), is applicable to the facts and, thus, reconstruction of the same sign and sign structure would have been permitted pursuant to ZR § 52-838, provided that it did not create a new non-conformity or an increase in the degree of non-conformity, an increase in surface area, or an increase in the degree of the sign's illumination; and

WHEREAS, in support of Appellant's contention that the Sign, had it been the result of a reconstruction, complied in all respects with ZR § 52-83, the Appellant notes that after 1988, the sign structure at the premises held signage measuring 14 feet by 48 feet and 19'-6" by 48 feet, a reduction in surface area from the previously established 20 feet by 60 feet sign9, and that it was anchored to the same dunnage beams and placed in the same location and position as the original structure; and

WHEREAS, further, the Appellant states that DOB agrees with its interpretation of ZR § 42-55 and the applicability of ZR §§ 42-55(c)(2) and 52-83 to the Sign as evidenced by at least two cases in which DOB permitted the continued registration of signs that DOB knew to have been reconstructed as legal non-conforming uses pursuant to ZR § 42-55(c)(2); and

DOB'S POSITION

WHEREAS, DOB argues that while the Court decided that the Sign was established prior to November 1, 1979, the Appellant has failed to show that the Sign was established at that time as an advertising sign, much less that the Sign has continuously been used since that time for advertising

7 Section 42-55(c) reads: "The more restrictive of the following shall apply: (1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status pursuant to Section 52-83 (Non-Conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or (2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs # not in conformance with the standards set forth herein shall terminate."

8 Section 52-83 reads, in relevant part: "In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) or 42-55, any #non-conforming advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in: (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#; (b) an increase in the #surface area# of such #sign#; or (c) an increase in the degree of illumination of such #sign#."

9 The Appellant concedes that the use of a 20 feet by 60 feet sign at the premises was discontinued as evidenced by, *inter alia*, the 14 feet by 48 feet Philip Morris sign present at the premises from January 1994 to January 1988 and, accordingly, does not seek to revert to a sign of that size.

purposes; and

WHEREAS, DOB alleges that the evidence submitted by the Applicant reveals at least one continuous period of two years during which any legal non-conforming advertising use of the Sign was discontinued pursuant to ZR § 52-61; and

WHEREAS, DOB discounts the import of the Theryoung Affidavit, which DOB alleges is tainted by industry bias and thus neither credible nor reliable in establishing continuous advertising use; questions the absence from the record of aerial photos of the area from the 1970s and 1980, which DOB states are commercially available; and argues that what the Appellant identifies as the sign structure at the premises in the tax photo of 944 Havemeyer Avenue is simply "a blur"; and

WHEREAS, further DOB asserts that the Sign was impermissibly reconstructed or relocated contrary to ZR § 42-55(a)(2); and

WHEREAS, in particular, DOB makes reference to illuminated sign permits approved by DOB on January 20, 1987, for two 20 feet by 60 feet accessory business signs on the roof of the premises (the "1987 Sign Permits") and the 1988 Rider; and

WHEREAS, with regards to gaps in use, DOB identifies a lack of evidence regarding the status of the Sign in the three years between the expiration of the 1978 Lease on June 14, 1985, and the commencement of the 1988 Lease sometime on or around March 1, 1988, and a more than five year gap between the 1980 Work Completion Notice for a painted outdoor advertising display at the premises and the invoice for a radio-car service advertisement dated August 17, 1985; and

WHEREAS, in response, the Appellant submits that the expiration of a lease does not necessarily indicate the end of a tenancy, pointing to, as support, the Leo Burnett Advertising record showing expenses for a 20 feet by 60 feet permanent advertisement for their client, Philip Morris, at the premises from January 1, 1987, to December 31, 1987, after the expiration of the 1978 Lease and prior to the commencement of the 1988 Lease; and

WHEREAS, DOB also suggests that the sign structure's height of 44 feet prevents the Sign from even qualifying as a legal non-conforming advertising sign pursuant to ZR § 42-55(c)(2) which limits advertising signs within 660 feet of the nearest edge of the right-of-way of an arterial highway to 30 feet in height; and

WHEREAS, in support of that contention, DOB cites a New York City Planning Commission ("CPC") Report, dated January 30, 1980, which proposed the addition of subsection (c)(2) to ZR § 42-55 and expressed the CPC's intention that the height restriction contained therein include the height of the structure; and

WHEREAS, in response, the Appellant refers the Board to cases in which, contrary to this very argument, DOB granted registration pursuant to ZR § 42-55(c)(2) to signs with structures of more than 30 feet in height and, additionally, asserts that this argument is related to the legal establishment of the sign prior to November 1, 1979, an issue that has already been decided in the Appellant's favor by the Court in the Subject Proceeding and is, thus, improperly made before the Board; and

WHEREAS, in defense, DOB states that the agency's acceptance of a sign registration does not constitute a decision that the subject sign is a legal non-conforming sign, that DOB is actively auditing the sign cases identified by the Appellant and that DOB retains the authority to withdraw the sign's registration should such signs be discovered to not, in fact, comply with ZR § 42-55(c)(2); and

WHEREAS, with regards to Appellant's argument that reconstruction of the Sign would have been permitted pursuant to ZR §§ 42-55(c)(2) and 52-83, DOB argues that ZR § 52-83 is applicable "except as otherwise provided in . . . 42-55", therefore, to the extent that ZR §§ 42-55 and 52-83 conflict, ZR § 42-55 applies and, additionally, as subsection (a)(2) is more restrictive than subsection (c)(1), subsection (a)(2) is applicable in the subject context and any reconstruction of the sign is prohibited; and

WHEREAS, as further evidence that the Sign was reconstructed, DOB submitted into the record Building Notice Application 805/86 ("BN-805/86") for the installation of a roof structure for two accessory business signs at the premises, signed off in 1990, showing a sign sitting parallel to the building's north roof edge and noted that today, the Sign, by contrast, sits at an approximately 45 degree angle to the same roof edge; and

WHEREAS, DOB argues that even if the Board were to accept Appellant's argument that a reconstruction of the Sign was permitted pursuant to ZR § 52-83, BN-805/86 demonstrates that, the reconstruction increased the previous sign's degree of non-conformity in violation of ZR § 52-83; and

WHEREAS, specifically, the reconstruction increased the degree of the sign's non-conformity with ZR § 42-561, which prohibits advertising signs within 100 feet of the street line of any street in which the boundary of an adjoining residence district is located from facing an angle of less than 165 degrees away from that residence district, by positioning the sign to be at a more acute angle from a boundary of the adjacent R3-2 zoning district; and

WHEREAS, the Appellant contests DOB's assertion that BN-805/86 is proof that the sign was reconstructed, arguing that the plans associated with the application are obviously erroneous and that ZR § 42-561 does not apply at the subject site because the sign is more than 100 feet away from the street line boundary of the adjacent R3-2 zoning district; and

WHEREAS, further, the Appellant provided the Board with U.S. Department of the Interior imagery from December 1975 demonstrating that a sign structure existed on the rooftop of the premises in the same position as the Sign currently sits, proving to the Board that the Sign was not relocated or reconstructed subsequent to its establishment; and

<u>EVIDENCE IDENTIFIED BY THE BOARD</u>

WHEREAS, in addition to the arguments made on this remand by the Appellant and DOB and the evidence

submitted by each in support thereof, the Board has identified additional facts previously submitted into the record for this matter that proved dispositive of the issues on the subject appeal; and

WHEREAS, in particular, the Board takes note of a DOB Work Permit, approved June 11, 1990, and submitted into the record by the Appellant in connection with its original 2013 application to the Board, to "legalize the face of" an existing 1,200 sq. ft. roof-top illuminated sign at the premises and to allow for the repainting of variable copy related to Marlboro (the "1990 DOB Work Permit") and observes that it corresponds in time with the approval of BN-805/86 allowing the installation of accessory signs at the premises; and

WHEREAS, from the same submission from the Appellant, the Board notes a Rental Agreement, dated March 1, 1988, whereby Philip Morris rented Rooms 105 and 107, approximately 1,585 sq. ft. of floor area, on the ground floor of the premises, for a term of eight years with the right to terminate the agreement "in the event that [Philip Morris] may not utilize any sign on the roof of the premises for advertising of products manufactured by [Philip Morris], whether by legislation or governmental order, cancellation of the lease for such signage or for any other reason" (the "1988 Rental Agreement"); and

WHEREAS, the Board observes that Philip Morris manufactures Marlboro cigarettes, a product that the record reflects was the subject of copy displayed on the Sign at various times, including in the late 1980s based on photographs submitted by the Appellant and purported to be taken at that time; and

WHEREAS, additionally, the Board takes note of a CPC Report, dated December 13, 2000, concerning proposed amendments to signage regulations in the Zoning Resolution (the "2000 CPC Report"), which noted testimony given from an outdoor advertising trade association that its members used "creative methods" to obtain building permits for arterial signs; testimony from a building owner representative that large signs placed on a building by a tenant occupying less than one percent of the floor area in the building qualify as "accessory signs" rather than "advertising signs"; and the CPC's conclusion that the problem with the proliferation of illegal advertising signage in the City was not with the definitions in the text "but with outdoor advertising companies and building owners who have stretched the zoning definitions to an almost absurd degree because they have [been] able to do so with impunity"; and

WHEREAS, accordingly, the Board deduces that Philip Morris' rental of space within the building on the subject premises and the simultaneous utilization of the Sign, located on the same zoning lot and atop said premises, to advertise a product Philip Morris manufactures evidences the Sign's use as an accessory, rather than an advertising, sign; and

WHEREAS, in response, the Appellant acknowledges that the 1988 Rental Agreement was put into place for the purpose of avoiding regulation of the Sign as an advertising sign, but characterizes it as a "sham lease" commonly used by the tobacco industry in the late 1980s that allowed applicants to more easily obtain signage permits from DOB, but did not necessarily indicate that signs were not used for advertising purposes; and

WHEREAS, the Appellant argues despite the lease and accessory sign work permit, the Sign was continuously used as an advertising sign and further, that its use was not accessory to Philip Morris' tenancy pursuant to ZR § 12-10 because, *inter alia*, Marlboro products were not available to consumers from the zoning lot; and

WHEREAS, the Appellant further represents that, today, DOB routinely permits the registration of non-conforming advertising signs in cases where the record includes similar "sham leases"; and

WHEREAS, finally, the Appellant argues that BN-805/86, the 1987 Sign Permits and the 1990 DOB Work Permit—all of which identify accessory business signs at the premises—do not serve to automatically abandon the Sign's advertising use and that the only thing that can vitiate such legal non-conforming use is an actual discontinuance of that use for more than two years, as set forth in ZR § 52-61; and

WHEREAS, in response, DOB argues that based on the 1988 Lease and 1988 Rental Agreement—which were entered into the same day, for the same duration, and permitted Philip Morris to terminate its agreement to rent space at the premises should it no longer be able to utilize the rooftop signage—evidence that the Sign was accessory to Philip Morris' use of the zoning lot as a storage facility and that any previously established advertising use of the Sign was discontinued for the duration of Philip Morris' eight-year tenancy at the premises; and

WHEREAS, with regards to "sham leases" and whether DOB regularly overlooks permits for accessory business sign and nevertheless permits the registration of the underlying signs as legal non-conforming advertising signs, DOB states that such determinations were dependent on affirmative evidence that a particular tenant was not engaged in commerce or other business activities at the site, evidence of which, DOB avers, there is none in this case; and

CONCLUSION

WHEREAS, based on the foregoing, the Board finds that the Sign has continuously existed at the premises since its establishment prior to November 1, 1979; and

WHEREAS, the Board credits the Appellant's argument that the sign structure is partially visible in the tax photo of 944 Havemeyer Avenue, a property on the same block as the subject premises, and thus, that the Sign was present atop the subject premises at the time its own tax photo was taken and not visible because of distortion caused by DOF's use of a wide angle lens; and

WHEREAS, this conclusion is based, in part, on the Board's own knowledge of DOF tax photo procedure, whereby assistant assessors took photographs of buildings located on the same block on or around the same day; and

WHEREAS, the Board is most strongly convinced of the Sign's continuous presence at the site by the U.S. Department of the Interior's December 1975 satellite image of the premises in which the Sign can be seen in the same location and position as it presently sits; and

WHEREAS, the Board notes, however, that consistent with the Appellant's statements regarding "sham leases" as well as testimony recounted in the 2000 CPC Report, the 1987 Sign Permits, the 1988 Lease, the 1988 Rental Agreement, BN-805/86 and the 1990 DOB Work Permit were elements of a scheme, common in the outdoor advertising industry at the time, to legalize non-conforming advertising signs as accessory signs by renting building space and applying for accessory business sign permits for structures on the same premises; and

WHEREAS, the Board discount's Appellant's argument that DOB regularly overlooks "sham leases" in the sign registration process, noting that DOB does not often have the resources necessary to undertake such exhaustive investigations and that DOB may revoke registrations as it is presented with evidence that such registrations are unwarranted; and

WHEREAS, the Board is similarly unpersuaded by Appellant's argument that use of the sign was not accessory to Philip Morris' tenancy in the building because its products were not available from the site to consumers; and

WHEREAS, the Board finds it reasonable for Philip Morris to have utilized the 1,585 sq. ft. of floor area it rented on the ground floor of the premises for any number of business operations, including the storage and distribution of tobacco products; and

WHEREAS, the Board thus concludes that even if the Sign was established as an advertising sign prior November 1, 1979, its advertising use was abandoned when, in 1988, Philip Morris rented space at the premises and utilized the Sign in connection with its tenancy at the premises pursuant to the 1988 Rental Agreement, entered into on March 1, 1988, for a period of eight years; and

WHEREAS, this use of the Sign was accessory to Philip Morris' tenancy at the site, was represented to DOB as an accessory business sign, and continued until at least June 11, 1990, when DOB approved the 1990 DOB Work Permit, which legalized the Sign as accessory; and

WHEREAS, therefore, in consideration of the approval of the 1990 DOB Work Permit more than two years after the effective date of the 1988 Rental Agreement, to say nothing of the eight year term of the 1988 Rental Agreement itself, any advertising use of the Sign established prior to November 1, 1979, was discontinued for a period of at least two years, pursuant to ZR § 52-61; and

WHEREAS, therefore, the Board finds that the Sign has not continuously been used for advertising purposes since its establishment prior to November 1, 1979.

Therefore it is Resolved, that this appeal is denied.

Adopted by the Board of Standards and Appeals, July 12, 2016.

234-14-A

APPLICANT – Law Offices of Marvin B. Mitzner, for Ohmni Properties, owners.

SUBJECT – Application September 29, 2014 – Appeal of the NYC Department of Buildings' determination to not revoke a Certificate of Occupancy issued in 1989 and reinstate the Certificate of Occupancy issued in 1985.

PREMISES AFFECTED –738 East 6th Street, south side of East 6th Street between Avenue C and Avenue D, Block 00375, Lot 0028, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Appeal Denied.

THE VOTE TO GRANT –

Affirmative: 0

Negative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

THE RESOLUTION –

WHEREAS, this is an appeal of a determination from the Department of Buildings ("DOB"), dated September 25, 2014, denying a request to proceed with an action to revoke the 1989 Certificate of Occupancy issued for the subject premises (the "Final Determination"); and

WHEREAS, the Final Determination reads, in pertinent part:

> Based on review of the application, we are not able to conclude that the 1989 C/O that authorizes 11 apartments was issued in error. While the permit was issued to reduce the number of apartments from 20 to 11, and you indicate that the building currently has 20 units, it is not possible for us to conclude with certainty that those 20 units existed at the time the C/O was issued in 1989 . . . . Any change in the number of units in the building after issuance of the C/O is merely a violation of the C/O and does not prove that the C/O was issued in error . . . .; and

WHEREAS, the owner of the premises (the "Appellant") appeals DOB's Final Determination and seeks revocation of the Certificate of Occupancy for the premises issued in 1989 and either (a) the reinstatement of the 1985 Certificate of Occupancy, which indicates four apartments on each of the five floors of the subject building, or (b) the

modification of the 1989 Certificate of Occupancy to reflect a total of 20 apartments in the subject building; and

WHEREAS, a public hearing was held on this application on August 18, 2015, after due notice by publication in *The City Record*, with continued hearings on November 24, 2015, February 9, 2016, April 5, 2016, and June 28, 2016, and then to decision on July 12, 2016; and

WHEREAS, both the Appellant and DOB have been represented by counsel throughout this appeal and the Board has reviewed numerous written submissions from both parties in support of their respective positions; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the site is located on the south side of East 6th Street, between Avenue C and Avenue D, in an R8B zoning district, in Manhattan; and

WHEREAS, the site has approximately 25 feet of frontage along East 6th Street, 1,750 sq. ft. of lot area and is occupied by a five-story residential building; and

WHEREAS, a Certificate of Occupancy was issued for the premises on September 5, 1985, reflecting a five-story plus cellar building with four apartments on each floor for a total of 20 residential dwelling units ("the 1985 CO"); and

WHEREAS, a Certificate of Occupancy issued for the premises on August 7, 1989, reflects a five-story plus cellar building with three apartments on the first floor and two apartments on each of the second through fifth floors for a total of 11 residential dwelling units (the "1989 CO"); and

WHEREAS, the Appellant represents that the building at the premises currently contains 20 apartments, four apartments on each floor, consistent with the 1985 CO; and

BACKGROUND

WHEREAS, on March 24, 1993, the former owner of the subject building filed an application with the New York State Division of Housing and Community Renewal ("DHCR") to determine whether the subject building was exempt from rent regulations due to substantial rehabilitation (the "1993 Application"); and

WHEREAS, buildings that are substantially rehabilitated as family units on or after January 1, 1974 are exempt from rent regulation pursuant to Section 2520.11(e) of the New York City Rent Stabilization Code; and

WHEREAS, DHCR's Operation Bulletin 95-2 clarifies the procedures by which DCHR determines whether a building is exempt from rent regulations due to substantial rehabilitation and lists among its criteria that at least 75 percent of the building-wide and apartment systems be "completely replaced with new systems"; and

WHEREAS, tenants of the subject building testified before the DHCR in connection with the 1993 Application and DHCR completed three inspections of the premises in July 1995, April 1996 and May 1996; and

WHEREAS, in its order dated February 7, 1998, DHCR's Office of Rent Administration concluded that the 1993 Application materially misrepresented that the building contained 11 residential units when, in fact, 20 residential units existed, that the equipment and floors in the bathrooms and kitchens had not been replaced or made as new and, thus, the building remained under DHCR jurisdiction and that the residential units therein remained subject to the New York City Rent Stabilization Law (the "1997 Order"); and

WHEREAS, the former owner timely filed a Petition for Administrative Review of the 1997 Order, alleging that the decision was in error because DHCR should have inspected the premises for rehabilitative work that resulted in the issuance of the 1985 CO rather than the 1989 CO; and

WHEREAS, on appeal, tenants alleged that the owner attempted to deceive DHCR inspectors with regards to the number of residential units in the building by moving furniture, changing doors and utilizing a co-owner of the building as a contractor to falsify building renovations; and

WHEREAS, by order issued March 25, 1999, the Deputy Commissioner of DHCR affirmed the 1997 Order and directed the former owner of the building to register the building and each apartment with DHCR in accordance with the New York City Rent Stabilization Law and Rent Stabilization Code (the "1999 Order"); and

WHEREAS, the then-owner of the building commenced a proceeding in New York State Court pursuant to Article 78 of the New York Civil Practice Law and Rules requesting that the 1999 Order be overturned and the case was remitted to DHCR for reconsideration; and

WHEREAS, by order issued January 20, 2000, DCHR again denied the petition and re-affirmed the 1997 Order based on its finding that the work claimed to have been done at the building from 1984 to 1985 did not rise to the level of "substantial rehabilitation," specifically, that though the work addressed many of the major building-wide systems, evidence submitted by the then-owner of the building established only that the heating, gas supply, electrical, intercom and window systems had been completely replaced; many apartment entrance doors were shaved down to fit into existing door frames, the building's deficient plumbing system was repaired, rather than replaced, and that only repair work was completed on apartment kitchens, bathrooms and individual apartment ceiling, wall and floor systems (the "2000 Order"); and

PROCEDURAL HISTORY

WHEREAS, on April 29, 2013, DOB issued ECB Violation No. 35015523Z (DOB Violation No. 042913ER03RM02) for the premises for occupancy contrary to the 1989 CO when an inspection discovered that the building was arranged and occupied as 20 Class "A" apartments with four apartments per floor, instead of the 11 units indicated on the 1989 CO; and

WHEREAS, on October 18, 2013, DOB Job No. 121816428 was filed and approved to remove additional kitchens and combine apartments at the premises in order to reduce the number of residential units and comply with the 1989 CO; and

WHEREAS, certain tenants were then sent seven-day notices of termination that cited DOB's violation and terminated their tenancies effective December 20, 2013; and

WHEREAS, on January 6, 2014, a rent-stabilized

tenant of the subject building filed a harassment complaint with DHCR alleging that he was threatened with eviction from his apartment if he refused to vacate and that the owner had intentionally decreased, withheld or interrupted services at the premises, including security, heat, superintendent/janitorial and garbage removal; and

WHEREAS, by letter dated June 26, 2014, the Appellant requested that DOB proceed with a case before the Board for a revocation of the 1989 CO; and

WHEREAS, by letter dated September 25, 2014, DOB issued its Final Determination, stating that it did not intend to initiate an action to revoke the 1989 CO; and

WHEREAS, on September 29, 2014, the Appellant filed the subject application seeking Board relief; and

THE APPELLANT'S POSITION

WHEREAS, while the Appellant originally represented that the 1989 CO was issued by DOB in error and that the requested relief should be granted because the Appellant had taken good faith measures to reduce the number of units in the building in order to comply with the 1989 CO; and

WHEREAS, the Appellant later amended its argument and submitted that the 1989 CO was issued consistent with plans submitted to DOB showing 11 residential units, but the work indicated on those plans was never completed; and

WHEREAS, the Appellant further clarified its argument to allege procedural irregularities in the issuance of the 1989 CO, specifically the absence of a record of an inspection of the premises by DOB; and

WHEREAS, the Appellant asserts that the prior owner of the building fraudulently obtained the 1989 CO in an attempt to remove the entire building from DHCR regulation with the ultimate goal of combining apartments and performing major renovations to the premises after the 1989 CO was obtained and all of the rent regulated tenants had been evicted, but the scheme was never realized, and the residential units never combined, because the prior owner was never successful in evicting all of the tenants; and

WHEREAS, the Appellant represents that it is unable to comply with the 1989 CO because the premises are subject to DHCR regulation and the rent-regulated tenants of the building cannot be evicted and also because, under applicable zoning regulations, a maximum of 10 residential units are permitted at the site; and

WHEREAS, the Appellant states that on March 31, 1989, the building's then-owner filed DOB Application No. 437/89 in contemplation of renovating the building and reducing the number of units therein—specifically, the then-owner filed drawings showing that it planned to combine the two front and two rear apartments into single units (reducing the number of units per floor from four to two) by creating an opening in the demising walls between the two adjoining apartments, capping gas lines and removing the sinks and stoves from the kitchen of one of the apartments so that the resulting enlarged residential unit would have only one kitchen (the "1989 DOB Application"); and

WHEREAS, the Appellant further states that the former owner of the premises failed to notify DOB that work completed pursuant to the 1989 DOB Application would result in the removal of rent-regulated units in violation of the Rent Stabilization and Multiple Dwelling Laws, that such failure further establishes the fraudulent intent inherent in the prior owner's receipt of the 1989 CO and, because of the fraudulent application, argues that the 1989 DOB Application should be deemed invalid and the 1989 CO should be revoked; and

WHEREAS, the Appellant cites Byrne v. Board of Standards & Appeals, 5 A.D.3d 261 (1st Dep't 2004) ("Byrne") in support of its proposition that a Certificate of Occupancy is invalid if the subject building does not comply with all relevant laws at the time of its issuance; and

WHEREAS, in addition, the Appellant asserts that alterations consistent with the 1989 DOB Application were never completed; and

WHEREAS, as evidence for this assertion, the Appellant submits the following: (1) the 1997 Order, the 1999 Order and the 2000 Order wherein DHCR denied the application to exempt the subject building from rent regulation based on a finding that substantial rehabilitation work had not been completed at the premises; (2) the absence from DOB's records of DOB signoff on construction work related to the 1989 DOB Application or an inspection report on file for the premises prior to the issuance of the 1989 CO; (3) the presence of 20 Con Edison gas and electric meters at the premises that date from at least 1985; and (4) a list of leaseholds obtained from Lexis Nexis, and submitted into the record, allegedly showing at least 20 different leaseholds at the premises in 1990; and

WHEREAS, the Appellant admits that a recent inspection of the premises reveals door openings, now sealed, that are located in the demising walls between the residential units on the east and west sides of the building and that the prior owner of the building combined leases in order to give the appearance of 11 residential apartments and remove the units from DHCR's jurisdiction, but submits that it is implausible that the then-owner of the building would reduce the number of units from 20 to 11 by removing kitchens, bathrooms and interior walls and capping gas lines, obtain the 1989 CO and then re-install kitchens and bathrooms and uncap gas lines in order to reestablish 20 residential units prior to the first DHCR inspection in July 1995; and

WHEREAS, the Appellant emphasizes that in each of its three inspections of the building, DHCR found 20 residential units with old un-renovated and unimproved appliances and asserts that those observations lend additional credence to Appellant's argument that no work was completed at the premises in connection with the 1989 DOB Application; and

WHEREAS, the Appellant also asserts that the absence of a record of inspection of the premises by DOB prior to issuing the 1989 CO or of an inspection to verify that alterations pursuant to the 1989 DOB Application took place underlines Appellant's assertion that the residential units were never combined as anticipated in the 1989 DOB Application; and

WHEREAS, by letter dated June 10, 2015, an architect

retained by the Appellant states that upon examination of 14 of the 20 apartments in the building, he observed intact plumbing supply lines that, "based on the condition of the materials, have not undergone any renovation that would provide evidence of combining the units"; and

WHEREAS, the architect also states, in the same letter, that he observed "old construction materials on interior walls and un-renovated kitchens," that the gas lines in the kitchens "appear unchanged and were never removed for non-use," and that the 20 residential electric meters and 20 gas meters in the utility room "are original meters"; and

WHEREAS, by letter dated March 23, 2016, a licensed master plumber submits that he inspected several of the residential units at the premises in addition to the gas meters in the cellar, states that the gas meters and appliances do not appear to be have been capped off, removed or locked by Con Edison and concludes that "[t]o the best of my knowledge there are 20 dwelling units at this property and has been 20 units since at least 1985 the date of the first certificate of occupancy"; and

WHEREAS, the Board requested Con Edison records for the premises to support Appellant's supposition that 20 gas meters have been in continuous operation at the premises, and that none were capped in or around 1989, but the Appellant represented that it was unable to comply with that request because those accounts were in individual tenants' names and Con Edison would not release those records to other persons without a subpoena; and

DOB'S POSITION

WHEREAS, DOB argues that Certificates of Occupancy are generally presumed to have been issued properly unless there is "significant evidence" to the contrary and that such evidence does not exist in this case; and

WHEREAS, specifically, DOB states that its decision to not initiate a proceeding to revoke the 1989 CO was proper because the evidence presented was insufficient to support a finding that the subject building did not, indeed, have 11 residential units at the time the 1989 CO was issued; and

WHEREAS, DOB notes that the work associated with the 1989 DOB Application was limited in scope and would not have taken significant time to complete and subsequently undo in order to revert the occupancy of the building to 20 residential units; and

WHEREAS, in addition, DOB submits a Plumber's Affidavit, dated June 6, 1989, stating that the then-owner had authorized a master plumber to complete plumbing work at the premises, that the plumbing work associated with the 1989 DOB Application was signed off on July 14, 1989, and the 1989 CO was issued shortly thereafter, on August 7, 1989; and

WHEREAS, in response, the Appellant clarifies that the plumbing work signoff was completed by a registered architect, rather than a plumber or professional engineer, and thus does not qualify as a valid sign-off indicating completion of plumbing work at the premises; and

WHEREAS, additionally, the Appellant raises issues as to the authenticity of the documents submitted by DOB and represented as a plumbing "sign off"; and

WHEREAS, DOB counters Appellant's argument, stating that the architect was the applicant of record on the 1989 DOB Application and, thus, was a party who could have appropriately presented the sign-off for the work to DOB; and

WHEREAS, in support of its argument, DOB directs the Board's attention to 1968 Building Code of the City of New York Section 27-210, applicable at the time of the issuance of the 1989 CO, which requires a final inspection upon the completion of work and before the issuance of any certificate of occupancy "at which the architect, engineer, or other person who supervised or superintended the construction, installation or alteration work shall be present"; and

WHEREAS, further, DOB asserts that the agency could accept inspection and test reports submitted by architects in 1989 pursuant to New York City Administrative Code Section 26-217, assuming that the work associated with the 1989 DOB Application was not ordinary plumbing work1; and

WHEREAS, DOB has also submitted historical records for the premises from the Department of Housing and Buildings, a former New York city agency responsible for building inspections and the maintenance of occupancy records, called Initial Inspection cards (or "I-cards"); and

WHEREAS, the 1985 I-card for the subject building indicates that the total legal occupancy of the building was 20 apartments and the 1989 I-card indicates that the total occupancy of the building was 11 apartments; and

WHEREAS, the 1985 I-card and the 1989 I-card make reference to and are consistent with the 1985 CO and 1989 CO, respectively; and

WHEREAS, DOB states that DHCR inspections of the premises, the earliest of which was in 1995, are unreliable as proof of the conditions that existed at the premises in 1989; and

WHEREAS, similarly, DOB states that a 1993 telephone directory submitted into the record by the Appellant is too far removed in time from the date of the issuance of the 1989 CO to be relied upon to accurately represent the occupancy of the subject building in 1989; and

WHEREAS, DOB also discounts the relevance of the Lexis Nexis results showing leaseholds in the building because records of leaseholders does not necessarily represent the number of units in a building; and

WHEREAS, additionally, DOB asserts that the 2015 inspection of the premises by the Appellant's architect is conclusory and lacks support, particularly for the facts that he observed "original materials" including the "original gas piping" or that the "existing meters were original meters"; and

WHEREAS, DOB also contests the conclusions of the licensed master plumber submitted by the Appellant, stating

1 This text was repealed as per Local Law 33-2007, effective July 1, 2008.

that while more recent alterations to the gas meters may be more obvious, work done to those gas meters within several years of 1989 would be more indiscernible in that materials similar to the original materials would have been used to effectuate those alterations; and

WHEREAS, DOB further discounts the conclusions of both the Appellant's architect and licensed master plumber because neither professional claims firsthand knowledge of the building's occupancy in or around 1989; and

WHEREAS, DOB directs the Board's attention to Memoranda from the Housing and Development Administration (the "HDA"), the predecessor to DOB; the first, dated February 24, 1969, rendered a new CO unnecessary where building alterations consisted of the combining of two or more apartments to create larger residential units and decrease the total legal number of families in a building (the "1969 Memorandum"); the second, dated January 20, 1971, states, as an addendum to the 1969 Memorandum, that construction inspectors must obtain sign off from plumbing inspectors when the building alterations are complete (the "1971 Memorandum"); and

WHEREAS, DOB submits that the issuance of the 1989 CO, in light of the 1969 Memorandum that made it unnecessary, and the presence of a plumbing sign off for work at the premises, consistent with the 1971 Memorandum, make it more difficult to believe that the alterations to reduce the number of units in the building from 20 to 11 were not, in fact, completed; and

WHEREAS, in response to the Appellant's changed argument subsequent to the first hearing before the Board, DOB states that if Appellant now states that the 1989 CO was not erroneously issued, then there are no grounds upon which it can be revoked; and

WHEREAS, in response to the Appellant's further clarified position—that there were irregularities underlying the issuance of the 1989 CO—DOB submits that the process for obtaining a Certificate of Occupancy in 1989 was the same as it is in 2015, that is, it involved a licensed professional filing plans and applications with DOB; a contractor applying for and obtaining the relevant permits; a contractor performing all work; inspections and the correction of any violations; and the payment of fees; and

WHEREAS, further, DOB submits that Appellant's argument that fraud was committed on the agency and that the 1989 CO should thus be revoke or modified relies on the fact that the current version of DOB's Plan/Work Application Form ("PW1") includes a checkbox in which an applicant can indicate whether the building to be altered or demolished contains rent controlled or rent stabilized units; and

WHEREAS, DOB states that the PW1 was not in use by the agency in 1989 and that the Altered Building Application was used at the time instead; and

WHEREAS, DOB states that the Altered Building Application inquired only about rent controlled units specifically, not rent-regulated units generally, and was silent as to rent stabilized units, thus the former owner's submission of the 1989 DOB Application without notifying DOB that the work would result in the loss of rent-regulated units was not a misrepresentation to the agency tantamount to fraud; and

TENANTS' TESTIMONY

WHEREAS, tenants of the subject building appeared before the Board and testified both individually and through counsel; and

WHEREAS, the tenant of Apartment 2D testified that she shares a lease for "Apartment C/D" with an unrelated person in Apartment 2C and that Apartment 2C is currently unoccupied; the tenant also submitted pictures of her apartment showing a sealed doorframe, though no door, between her apartment and Apartment 2C and submitted documentation demonstrating that her apartment, which is registered at DHCR as "Apartment 2CD", has been permanently exempt from DHCR regulation for high rent vacancy since 2003; and

WHEREAS, this tenant further represented that the Appellant continues to rent individuals units in the building under joint leases and that some of these apartments have functional doors connecting them; and

WHEREAS, the tenant of Apartment 3A testified that she has a door on the northeast wall of her apartment with a deadbolt that opens into the adjoining apartment with which she shares a lease, Apartment 3B (the lease is for "Apartment 3A/B"), which has been vacant since approximately 2014; and

WHEREAS, this tenant submitted into the record DHCR registration for Apartment 3A/B showing that the joint unit was permanently exempt from rent stabilization for high rent vacancy as of 2006; and

WHEREAS, tenant's counsel states that there is litigation pending against the Appellant in New York Supreme Court initiated by tenants of the subject building alleging rent overcharge and that the Appellant's practice of issuing joint leases has allowed the Appellant to increase rents above the deregulation threshold and remove units from DHCR jurisdiction; and

WHEREAS, in response to this testimony, the Appellant represented to the Board that it was willing to issue separate leases for all residential units in the building; and

CONCLUSION

WHEREAS, the Board agrees with DOB that Appellant has submitted insufficient evidence contemporaneous with the issuance of the 1989 CO to prove that the 1989 CO was erroneously issued; and

WHEREAS, the Board fails to comprehend Appellant's argument that the alleged failure to complete construction contemplated in the 1989 DOB Application entitles Appellant to a revocation or modification of the 1989 CO; and

WHEREAS, the Board finds that a failure to allege that a Certificate of Occupancy was issued erroneously or in contravention of a specified applicable law is fatal to the request for the revocation or modification of a Certificate of Occupancy; and

WHEREAS, with regards to Appellant's argument that

completing work in accordance with the 1989 DOB Application was, generally speaking, in violation of the Rent Stabilization Law, the Board acknowledges that it has revoked Certificates of Occupancy where plans submitted with an application to DOB have not complied with particular legal requirements but notes that, in this particular case, the Appellant has failed to specify particular sections of the law that the work would have violated, despite multiple inquiries from the Board to provide such citations; and

WHEREAS, the Board finds that Byrne is distinguishable from the present case in that the work completed in that case did not comply with a specific Article of the Multiple Dwelling Law related to critical fire protection, safety and the habitability of the building; and

WHEREAS, the Board fails to find that any of the evidence submitted by the Appellant supports Appellant's assertion that alterations consistent with the 1989 DOB Application were never actually completed; and

WHEREAS, the Board finds that the proceedings before DHCR are distinguishable from the subject matter and, therefore, of limited probative value to the Board in this determination because DHCR did not address the issue of the number of residential units in the building at the time of the 1989 CO but, instead, considered the amount of money spent on building renovations and whether 75 percent of the building-wide and apartment systems were completely replaced such that the subject building could be considered exempt from rent regulation; and

WHEREAS, further, the Board notes that DHCR's earliest inspection of the premises was nearly six years after the issuance of the 1989 CO and, thus, DHCR's observation of 20 residential units at the premises in its 1997 Order (and as re-affirmed in its 1999 Order and 2000 Order) is so far removed in time from the issuance of the 1989 CO on August 7, 1989 as to be irrelevant to the question, currently before the Board, of how many residential units existed at the subject premises on August 7, 1989; and

WHEREAS, the Board is not disquieted by the absence of an inspection report on file with DOB for the premises prior to the issuance of the 1989 CO and accepts the plumbing signoff submitted by DOB, which lists the architect of record for the subject building, as evidence that alterations consistent with the 1989 DOB Application were completed at the subject building and that the 1989 CO was validly issued; and

WHEREAS, the Board agrees that the work associated with the 1989 DOB Application was minor in nature and could have been completed in minimal time and at minimal expense and notes, specifically, that photographs of the residential units included in the record show door frames and, in some cases doors, installed between the apartments anticipated to have been connected consistent with the 1989 DOB Application, as well as packaged kitchen units that could easily be removed and replaced; and

WHEREAS, with regards to the questions raised by the Appellant about the authenticity of the plumbing signoff submitted by DOB, the Board notes that the Appellant was entitled to file a request with DOB under the Freedom of Information Law, obtain and present evidence either contradicting the signoff or supporting Appellant's argument that it was inauthentic, but the Appellant did not present such information; and

WHEREAS, with regards to Appellant's assertion that the 20 Con Edison gas meters at the premises date from at least 1985 and show no evidence of having ever been removed or capped, the Board find that, in the absence of records from Con Edison, the Board is unable to ascertain whether the gas meters at the premises were ever removed in connection with the 1989 DOB application; and

WHEREAS, additionally, the Board finds the letter from the architect retained by the Appellant, dated June 10, 2015, and the letter from a licensed master plumber retained by the Appellant, dated March 23, 2016, concluding that residential units in the building were never combined, to be conclusory and lacking in evidentiary support; and

WHEREAS, the Board also notes that the list of leaseholds submitted by the Appellant includes multiple instances of the same or similarly named individuals, does not indicate the unit(s) in which such leaseholders reside(d) and is, thus, insufficient to verify the precise number of tenants in the building at the time that the 1989 CO was issued; and

WHEREAS, since the majority of the residential units in the subject building are now vacant, the Board finds that complying with the 1989 CO and reducing the number of units in the building to 11 as therein indicated is not impossible and would not require the eviction of existing tenants; and

WHEREAS, accordingly, the Board finds that there are no practical difficulties in the Appellant's ability to strictly comply with the 1989 CO or that such compliance would result in a hardship; and

WHEREAS, the record reveals that the Appellant's predecessor in title engaged in questionable methods to deregulate units in the building and the Appellant has heretofore not only benefited from those methods, but appropriated them, continuing to lease to unrelated tenants in adjoining apartments on a joint-lease-basis; and

WHEREAS, the Board notes that a determination of how the remaining tenants of the subject building are distributed in the building's 11 residential units and how much those tenants pay for their units is beyond the Board's purview in this application and that this decision is not to be construed as the Board's tacit endorsement of the position that the owner of the premises is entitled to request the eviction of the remaining tenants because the number of units in the building is inconsistent with the 1989 CO; and

WHEREAS, the Board believes that these remaining issues are to be determined by the New York City Department of Housing Preservation and Development, DHCR, which has jurisdiction over the rent regulated units and, if so necessary, the New York State courts.

Therefore it is Resolved, that this appeal seeking the revocation of the 1989 Certificate of Occupancy for the premises and the reinstatement of the 1985 Certificate of

Occupancy or, alternatively, the amendment of the 1989 Certificate of Occupancy to reflect 20 residential units in the building, is denied.

Adopted by the Board of Standards and Appeals, July 12, 2016.

167-15-A

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Francesco Veltri, owner.

SUBJECT – Application July 28, 2015 – Application filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") requesting to vary MDL 171(2)(a) to permit a partial one story vertical enlargement of an existing building. R10A zoning district.

PREMISES AFFECTED – 137 West 86th Street, north side of West 86th between Columbus and Amsterdam Avenues, Block 1217, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

99-14-BZ

CEQR #14-BSA-151M

APPLICANT – Arisa Realty Co., X LLC, owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) for a height and setback variance to facilitate the construction of a new 21-story, 19 FAR hotel building. C6-4 zoning district in the (Special Hudson Yards District).

PREMISES AFFECTED – 432-434 West 31st Street, aka 433-435 West 30th Street, corner of West 31st Street and Dyer Avenue, Block 728, Lot(s) 50, 55, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated December 2, 2015, acting on DOB Application No. 121185181 reads in pertinent part:

1. ZR 93-42(a): Proposed base height exceeds height permitted;
2. ZR 93-42(b): Initial setbacks not provided as required;
3. ZR 93-42(c): Portion of building above 150' occupies greater percentage of lot area than is permitted; and

WHEREAS, this is an application under ZR § 72-21 to permit, in a C6-4 zoning district, the Special Hudson Yards District, the Farley Corridor Subdistrict B and the Central Blocks Subarea B2, the construction of a 25-story hotel building that does not comply with ZR §§ 93-42(a), (b) and (c); and

WHEREAS, a public hearing was held on this application on April 5, 2016, after due notice by publication in *The City Record*, with a continued hearing on May 17, 2016 and then to decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application subject to the following conditions, which the applicant agreed to by letter dated April 6, 2016: (1) no curb cuts will be located on the site's West 31st Street frontage; (2) if feasible, at least 2 street trees with 5' by 10' tree pits that include planted shrubs and perennials will be planted along West 31st Street in front of the proposed development; (3) the owner will work with Community Board 4, Manhattan and the Port Authority of New York and New Jersey ("Port Authority") to gain the Port Authority's permission to build a sidewalk in the roadway along the Dyer Avenue and West 31st Street frontages and that, pending agreement with the Port Authority, the developer will fund the construction of that sidewalk; (4) the developer will construct the building in accordance with façade elevations dated September 11, 2015, as may be modified in connection with the BSA's review and approval of the subject variance application; (5) the developer will seek to negotiate a reasonable license agreement for Support of Excavation (SOE) with the adjacent landowner, the Fashion Institute of Technology ("FIT"); (6) there shall be no illuminated signage at the top of the building; (7) the developer will regularly communicate with FIT concerning construction deliveries; (8) the owner will communicate with FIT's Office of Communications and External Relations regarding move-in and move-out days; and (9) the developer will regularly communicate with the construction manager of the Manhattan West Project; and

WHEREAS, the subject site is comprised of two lots, Lot 55 and Lot 50 (the "Subject Site"), and is located on the south side of West 31st Street, between Dyer Avenue and 9th Avenue, in a C6-4 zoning district, in the Special Hudson Yards District, the Farley Corridor Subdistrict B and the Central Blocks Subarea B2, in Manhattan; and

WHEREAS, Lot 55 has approximately 42 feet of frontage along West 31st Street, 92 feet of frontage along Dyer Avenue and is occupied by a four-story mixed use commercial and residential building that will be demolished for the construction of the project proposed herein; Lot 50, adjacent to and immediately south of Lot 55, has

approximately 41 feet of frontage along Dyer Avenue. 20 feet of frontage along a roadway leading to the Lincoln Tunnel (the "Roadway") and is vacant; and

WHEREAS, the Subject Site has 5,049 sq. ft. of lot area; and

WHEREAS, the applicant proposes to construct a 25-story hotel with 95,906 sq. ft. of floor area (19.0 FAR), a wall height in excess of the maximum permitted pursuant to ZR § 93-42(a), no setbacks, contrary to ZR § 93-42(b), and a floorplate that covers 87.4 percent of the lot area, contrary to the maximum of 70 percent lot area coverage permitted for portions of a building above 150'-0" pursuant to ZR § 93-42(c); and

WHEREAS, the applicant states that, pursuant to ZR § 72-21(a), the Subject Site's narrow width, limited lot area, and multiple street frontages from which any building thereon must be set back are unique physical conditions that create a practical difficulty and unnecessary hardship in developing the site in conformance with the underlying district regulations; and

WHEREAS, the applicant represents that the Subject Site is the only lot in Central Blocks Subarea B2 and one of only two lots in the Farley Corridor Subdistrict B with a width of less than 45 feet and lot area of less than 6,000 sq. ft., and that it is the only lot in Farley Corridor Subdistrict B that also has frontages on three streets; and

WHEREAS, the applicant further submits that the Subject Site has a maximum permitted floor area ratio ("FAR") of 19.0 and that a building compliant with the applicable maximum base height requirements of ZR § 93-42(a), setback requirements of ZR § 93-42(b) and tower lot coverage requirements of ZR § 93-42(c) that also took advantage of the full floor area available at the Subject Site would be 17-stories taller than the current proposal, have substantially higher construction costs and that the limited floor plate of the floors in the tower—the portion of the building above the base height and set back 15' from the Roadway and 20' from both Dyer Avenue and West 31st Street—would accommodate fewer rooms per floor because a disproportionate share of those floors would be devoted to the building core; and

WHEREAS, the Board agrees that the aforementioned unique physical conditions at the Subject Site create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) a 42-story tower with 95,921 sq. ft. of zoning floor area (the "As-of-Right Development") and (2) the subject proposal; and

WHEREAS, the applicant represents that only the subject proposal would provide a reasonable return; and

WHEREAS, the As-of-Right Development contains 199 hotel rooms: 11 hotel rooms per floor on the 2nd floor through the 10th floor; amenity space on the 11th and 12th floors; mechanical and storage space on the 13th floor, the first floor of the tower, to allow for the transitioning of the building core to the narrower footprint of the tower floors above; 4 hotel rooms per floor on the 14th-38th floors; and mechanical space on the 39th floor through the 42nd floor; and

WHEREAS, the subject proposal has 220 hotel rooms: mechanical space on the 2nd floor, 11 hotel rooms per floor on the 3rd floor through 22nd floor, mechanical space on the 23rd floor, and hotel amenity space on the 24th and 25th floors; and

WHEREAS, the provided financial analysis indicates that the total development costs for the As-of-Right Development would be $6,795,000 more than the total development costs for the subject proposal and that the As-of-Right Development does not produce enough income to allow the applicant to realize a positive return while the subject proposal, with 21 more hotel rooms, contains sufficient value to be financially feasible for the applicant; and

WHEREAS, upon review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that several hotel, residential and commercial projects are currently in development in the surrounding area, and that the proposed 25-story building would be of a similar height and bulk to these planned developments, as well as those buildings already existing in the area, and therefore will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property and will not be detriments to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, with regards to ZR § 72-21(d), the applicant represents that the metes and bounds of Lot 55 have not changed since at least the enactment of the 1961 Zoning Resolution and that Lot 50 was acquired by the owner in order to combine it with Lot 55 and allowing for a development with a larger floor plate, thus, though the Subject Site was assembled by the owner, the assemblage has had the result, as intended, of lessening the hardship of developing on Lot 55 alone; and

WHEREAS, in light of the above, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, supported by the provided financial analysis, the applicant represents that the capitalized value of the subject proposal is only $257,000 more than its total development costs, representing a minimally feasible positive return, and, thus, the subject proposal is the

minimum needed to provide relief; and

WHEREAS, the Board agrees, in accordance with ZR § 72-21(e), that the subject proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment (EAS) CEQR No. 14BSA151M, dated June 8, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board recommends that an "E" designation for hazardous materials be placed on the site as part of the approval; and

WHEREAS, the "E" designation requires an environmental review by the New York City Office of Environmental Remediation ("OER") which must be satisfied before DOB will issue building permits at the Subject Site; and

WHEREAS, no other significant effects upon the environmental that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, in a C6-4 zoning district, the Special Hudson Yards District, the Farley Corridor Subdistrict B and the Central Blocks Subarea B2, the construction of a 25-story hotel building that does not comply with ZR §§ 93-42(a), (b) and (c), *on condition* that all work will substantially conform to drawings filed with this application marked "Received June 8, 2016"- Nine (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: lot coverage of 87.4 percent above the height of 150' and no setbacks, as indicated on the BSA-approved plans;

THAT an E designation (E-390) is placed on the site to ensure proper hazardous materials remediation;

THAT the above condition shall be listed on the Certificate of Occupancy;

THAT prior to DOB's issuance of any building permit, OER shall issue a Notice to Proceed or a Notice of No Objection pursuant to the site's E designation (E-390);

THAT prior to DOB's issuance of a Certificate of Occupancy, OER must issue a Notice of No Objection or a Notice of Satisfaction;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2016.

34-15-BZ

APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.

SUBJECT – Application February 24, 2015 – Special Permit (§73-622)for the enlargement of an existing two story single family residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district.

PREMISES AFFECTED – 2316 Ocean Parkway, between Avenue W and Lancaster Avenue, Block 7181, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated January 26, 2015, acting on DOB Application No. 321024787, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(b) in that the proposed floor area (F.A.R.) exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-47 in that the rear yard is less than the required minimum of 30'-0";
3. Proposed plans are contrary to ZR 23-461 in that the side yard requirement is less than the minimum—straight line extension is proposed at

rear right side where there is an existing non-complying side yard; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(b), setting forth the maximum floor area ratio permitted in an R4 zoning district, is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141(b) in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R4 zoning district and the Special Ocean Parkway District, the proposed enlargement of a one-story single-family residence that does not comply with the zoning requirements for floor area ratio, rear yard and side yards, contrary to ZR §§ 23-142, 23-47 and 23-461; and

WHEREAS, a public hearing was held on this application on April 12, 2016 after due notice by publication in *The City Record*, with a continued hearing on June 4, 2016, and then to decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Ocean Parkway, between Avenue W and Angela Drive, in an R4 zoning district and the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 63 feet of frontage along Ocean Parkway and 6,130 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story single-family residence with approximately 1,496 sq. ft. of floor area and a floor area ratio ("FAR") of 0.27; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area from 1,496 sq. ft. (0.27 FAR) to 5,869 sq. ft. (0.96 FAR), reduce the southern side yard from 24'-9" to 8'-0", maintain the non-complying 0'-0" northern side yard, and decrease the rear yard from 24'-6" to 20'-0"; and

WHEREAS, at the subject premises, the maximum FAR permitted is 0.75 (4,598 sq. ft. of floor area) pursuant to ZR § 23-142, the minimum rear yard permitted is 30'-0" pursuant to ZR § 23-47, and two side yards with a minimum width of 5'-0" and a total width of 13'-0" are required pursuant to ZR § 23-461; and

WHEREAS, DOB records for the existing residence were unavailable to unequivocally establish that the existing 0'-0" northern side yard existed at the premises prior to December 15, 1961, but the applicant has submitted evidence sufficient to allow the Board to reasonably conclude that the northern side yard is a legal non-complying condition; and

WHEREAS, the applicant represents that the proposed enlargement is consistent with the character of the neighborhood; and

WHEREAS, in support of that contention, the applicant submitted a comparison study of properties located within 400

feet of the subject premises demonstrating that of the 75 properties in the survey area containing single- or two-family residences, 36 residences (or 48 percent) have a FAR greater than 1.0 and 24 residences (or 32 percent) have a FAR greater than 1.2; that residential properties on the same block as the subject lot have rear yards ranging in depth from 14'-0" to 29'-0"; and that the subject block does not contain an open area at its center formed by the rear yards of buildings facing the street that would be infringed upon by the reduction of the rear yard at the subject site, in fact, all of the lots to the south of the subject lot are through lots; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R4 zoning district and the Special Ocean Parkway District, the proposed enlargement of a one-story single-family residence that does not comply with the zoning requirements for floor area ratio, rear yard and side yards, contrary to ZR §§ 23-142, 23-47 and 23-461; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received July 6, 2016"- Ten (10) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 5,869 sq. ft. of floor area (0.96 FAR), side yards of 0'-0" and 8'-0" and a rear yard of 20'-0", as illustrated on the BSA-approved plans;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2016.

39-15-BZ
CEQR #15- BSA-164M

APPLICANT – Bryan Cave, LLP, for Chun Woo Realty Corp., Owner.

SUBJECT – Application March 3, 2015 – Variance (§72-21) to permit the construction of a new 12 story, 37,166 sq., ft. office building (UG 6) with ground floor retail (UG 6) contrary to floor area (§33-122) and setback requirements (§32-24). C6-2A zoning district.

PREMISES AFFECTED – 74-76 Eighth Avenue, southeast corner of 8th Avenue and West 14th Street. Block 618, Lot 5. Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated February 27, 2015, acting on DOB Application No. 121192690 reads in pertinent part:

1. ZR 33-122: Floor area exceeds maximum permitted per ZR 33-122;

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within a C6-2A zoning district, the construction of a 10-story commercial building with a floor area ratio ("FAR") in excess of the maximum permitted in the zoning district pursuant to ZR § 33-122; and

WHEREAS, a public hearing was held on this application on March 22, 2016, after due notice by publication in *The City Record*, with a continued hearing on May 24, 2016 and then to decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application subject to conditions, including revisions to the proposed building; and

WHEREAS, the subject site is located on the southeast corner of Eighth Avenue and West 14th Street, in a C6-2A zoning district, in Manhattan; and

WHEREAS, the site has approximately 46 feet of frontage along Eighth Avenue, 80 feet of frontage along West 14th Street, total lot area of 3,680 sq. ft. and is occupied by three buildings, all of which will be demolished for the construction of the project proposed herein; and

WHEREAS, the applicant originally proposed to construct a 12-story commercial office building with Use Group 6 retail located on the ground floor, a street wall height pf 85'-0" at Eighth Avenue, a total height of 120'-0", and 37,166 sq. ft. of floor area (10.1 FAR) (the "Original Proposal"), contrary to the 6.0 FAR maximum permitted at the subject site pursuant to ZR § 33-122; and

WHEREAS, in addition, the Original Proposal required a waiver of the setback requirements applicable in the zoning district in order to provide a 3'-0" setback from West 14th Street; and

WHEREAS, in its Resolution, Community Board 2, Manhattan, expressed concerns regarding, *inter alia*, the 10.1 FAR proposed in the Original Proposal, the validity of

the assumptions contained in the accompanying financial analysis and stated rate of return and whether the Original Proposal represented the minimum variance; and

WHEREAS, in response to these concerns, as well as questions posed by the Board regarding the extent of the requested waivers, the applicant revised the proposal to consist of a 10-story commercial office building with retail use in the cellar and on the ground floor and offices on the second through tenth floors with a street wall height of 60'-0" at Eighth Avenue, setbacks that comply with the Zoning Resolution and total floor area 30,235 sq. ft. (8.21 FAR) (the "Subject Proposal"); and

WHEREAS, because the 8.21 FAR proposed is in excess of the maximum permitted pursuant to ZR § 33-122, the applicant seeks the subject variance; and

WHEREAS, the applicant states that, pursuant to ZR § 72-21(a), the presence of a subway tunnel beneath the premises, along with the size and shallowness of the site, are unique physical conditions that create a practical difficulty and unnecessary hardship in developing the site in conformance with the underlying zoning district regulations; and

WHEREAS, the applicant represents that the subway tunnel, which bisects the site from approximately one-third of its northern lot line to approximately one-half of its southern lot line on the western side and burdens approximately 36 percent of the lot, require expensive systems to mitigate and/or isolate the sounds, vibrations and tremors caused by the subway which prevents the development of the site with a project that is compliant with the Zoning Resolution; and

WHEREAS, in response to questions from the Board regarding the potential for residential development at the site, the applicant further submits that the limited size and shallowness of the lot frustrates the development of the subject site with a complying residential development; specifically, the 30'-0" by 40'-0" inner court required pursuant to ZR § 23-851 would occupy nearly one-third of the 3,680 sq. ft. lot and, with required stairways and elevators and extensive structure required to support a building atop a subway tunnel, result in dwelling units with small and inefficient floor plates; and

WHEREAS, the Board agrees that the aforementioned unique physical conditions at the site create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) a 6-story commercial building with 21,515 sq. ft. of total floor area comprised of retail in the cellar and ground floor and offices on the second through sixth floors (the "As-of-Right Scenario"); (2) the same 6-story commercial building described in the As-of-Right Development in the absence of the underground subway tunnel condition (the "Typical Development Scenario"); and (3) the Subject Proposal; and

WHEREAS, the applicant represents that only the Subject Proposal would provide a reasonable return; and

WHEREAS, the Typical Development Scenario was provided in order to estimate the value of an as-of-right building on a fictitious site, one without the complained of hardship, and intended for illustrative purposes only; and

WHEREAS, the financial analysis indicated that the As-of-Right Scenario would have development costs of $23,345,000 and a capitalized project value of $22,350,000, resulting in a loss of $995,000; that the Typical Development Scenario would have the same capitalized project value as the As-of-Right Scenario, but reduced development costs of $19,388,000 for a return of $2,962,000; and that the Subject Proposal results in a positive return of $296,000; and

WHEREAS, the financial analysis reports that the almost $4 million difference in development costs between the As-of-Right Scenario and the Typical Development Scenario is attributed to the additional construction costs imposed by the unique physical conditions present at the subject site and that the more than $5 million difference in development costs between the As-of-Right Scenario and the Subject Proposal includes those costs as well as the costs associated with the four additional floors of office space provided in the Subject Proposal; and

WHEREAS, upon review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that, in accordance with ZR § 72-21(c), the surrounding neighborhood and district are characterized by one- and two-family row houses, walkup apartment buildings and apartment buildings rising to more than fifteen-stories, most of which contain ground floor retail use, as well as larger commercial buildings including a 20-story building opposite the subject site at the northeast corner of Eighth Avenue and West 14th Street, and that, therefore, the Subject Proposal will neither alter its substantial character nor substantially impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the applicant additionally submits that the height, massing and bulk of the Subject Proposal is more consistent with the scale of the surrounding buildings, specifically the adjoining building to the subject site's immediate southeast, and the proposed ground floor retail use is consistent with the ground floor retail uses in buildings along both Eighth Avenue and West 14th Street; and

WHEREAS, in light of the above, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR

72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site; and

WHEREAS, the applicant submits that, as supported by the provided financial analysis and consistent with ZR § 72-21(e), the Subject Proposal is the minimum needed to provide relief; and

WHEREAS, the Board agrees, in accordance with ZR § 72-21(e), that the Subject Proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. CEQR No. 15 BSA164M, dated February 17, 2015; and

WHEREAS, the EAS documents that the project would not have significant impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials and noise; and

WHEREAS, DEP reviewed and accepted the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP); and

WHEREAS, DEP requested that a Professional Engineer-certified Remedial Closure Report be submitted upon completion of the proposed project indicating that all remedial requirements as set forth in the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) have been properly implemented; and

WHEREAS, DEP reviewed the Noise Chapter in the Environmental Assessment Statement and recommends that (1) window and wall noise attenuation be installed on the West 14th Street and Eighth Avenue frontages of the proposed building as follows in order to attain an indoor noise level of 50 dBA: (a) on the West 14th Street façade, 28 dBA for zero to 100 feet elevation and 26 dBA from 101 feet to the top; (b) on the Eighth Avenue façade, 26 dBA for zero to 100 feet elevation and 23 dBA from 101 feet to the top; and (2) an alternate means of ventilation be incorporated into the building design and construction; and

WHEREAS, the also DEP reviewed and accepted the Air Quality Chapter in the Environmental Assessment Statement, subsequent memoranda and backup materials and determined that the proposed project would not result in any potential for significant adverse impacts with regards to air quality; and

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") completed an environmental review of the proposal and confirmed that, though it exists in the vicinity of the Greenwich Village Historic District and buildings listed as New York City Landmarks or listed on the National Register of Historic Places, the subject site does not contain any areas of architectural or archaeological significance and therefore, no impacts on architectural or archaeological resources are expected as a result of the proposal; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type 1 Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within a C6-2A zoning district, the construction of a 10-story commercial building with a floor area ratio in excess of the maximum permitted in the zoning district pursuant to ZR § 33-122; *on condition* that any and all work shall substantially conform to drawings filed with this application marked "Received June 23, 2016"—fourteen (14) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area ratio of 8.21, as reflected on the BSA-approved plans; and

THAT a Professional Engineer-certified Remedial Closure Report be submitted upon completion of the proposed project indicating that all remedial requirements as set forth in the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) have been properly implemented;

THAT such closure support shall be submitted prior to the receipt of the Certificate of Occupancy;

THAT window and wall noise attenuation be installed on the West 14th Street and Eighth Avenue frontages of the proposed building as follows in order to attain an indoor noise level of 50 dBA: (a) on the West 14th Street façade, 28 dBA for zero to 100 feet elevation and 26 dBA from 101 feet to the top; (b) on the Eighth Avenue façade, 26 dBA for zero to 100 feet elevation and 23 dBA from 101 feet to the top;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered

approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2016.

200-14-BZ
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
PREMISES AFFECTED – 46-05 Parsons Boulevard aka 147-08 46th Avenue, Block 05462, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for decision, hearing closed.

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for continued hearing.

251-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for JAR Realty Company, LP, owner; Naturopathica Holistic Health, Inc., lessee.
SUBJECT – Application November 2, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Naturopathica Holistic Health*) spa in a portion of the first floor at the subject premises. M1-6 zoning district.
PREMISES AFFECTED – 127 West 26th Street, Block 802, Lot 22, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for deferred decision.

271-15-BZ
APPLICANT – Philip L. Rampulla, for Lester Realty Associates Corp., owner.
SUBJECT – Application December 10, 2015 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16). C2-1/R3-2 zoning district.
PREMISES AFFECTED – 1842 Victory Boulevard, Block 713, Lot 101, Borough of Staten Island.
COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, JULY 12, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

302-14-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Stanfordville, LLC, owner.
SUBJECT – Application November 10, 2014 – Special Permit (§73-125) to allow proposed ambulatory diagnostic or treatment health care facility in excess of 1500 sq. ft. in a two-story mixed use building. R3X zoning district.
PREMISES AFFECTED – 45-05 Francis Lewis Boulevard, southeast corner of intersection of Francis Lewis Boulevard and 45th Avenue. Block 5538, Lot 30. Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

101-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Nesiv Hatorah Inc., owner.
SUBJECT – Application May 11, 2015 – Variance (§72-21) to permit construction of a two-story use group 4 synagogue contrary to underlying bulk requirements. R2X zoning district.
PREMISES AFFECTED – 830 Hicksville Road, Block 15583, Lot 11, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

2016-4135-BZ
APPLICANT – Bryan Cave, LLP, for EBRA Pine Master Tenant, LLC, owner.
SUBJECT – Application March 11, 2016 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*La Palestra*) in portions of the basement and sub-cellar levels of an existing building. C5-5 (LM) zoning district.
PREMISES AFFECTED – 70 Pine Street, Block 41, Lot 7504, Borough of Manhattan.
COMMUNITY BOARD #1M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

***CORRECTION**

This resolution adopted on November 24, 2015, under Calendar Number 179-14-BZ and printed in Volume 100, Bulletin No. 46, is hereby corrected to read as follows:

179-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Lillian Romano and Elliot Romano, owners.

SUBJECT – Application July 29, 2014 – Special Permit (§73-622) for the enlargement and conversion of an existing two family residence to single family residence contrary to the rear yard requirement (ZR 23-47). R5 zoning district.

PREMISES AFFECTED – 1937 East 14th Street, east side of East 14th Street between Avenue S and Avenue T, Block 07293, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated July 1, 2014, acting on DOB Application No. 320932103, reads in pertinent part:

> The proposed change from two to one family and enlargement of the existing two story and attic in an R5 zoning district:
>
> 1. Creates non-compliance with respect to the rear yard by not meeting the minimum requirements of Section 23-47 of the Zoning Resolution; and

WHEREAS, this is an application under ZR § 73-622, to and permit, in an R5 zoning district, the enlargement of a residence being converted from a two-family residence to single-family residence which does not comply with the zoning requirements for rear yards contrary to ZR § 23-47; and

WHEREAS, a public hearing was held on this application on August 18, 2015, after due notice by publication in the *City Record*, with continued hearings on September 18, 2015 and October 27, 2015, and then to decision on November 24, 2015; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 14th Street, between Avenue S and Avenue T, in an R5 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along East 23rd Street, a depth of 100 feet, and 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, two-family residence with approximately 2,999 sq. ft. of floor area (0.75 FAR); and

WHEREAS, ZR § 73-622 provides that: TheBoard of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
>
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
>
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
>
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.
>
> The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing two-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant now seeks to increase the floor area of the structure from 2,999 sq. ft. (0.75 FAR) to 4,120 sq. ft. (1.03 FAR) and increase the degree of non-compliance of the rear yard from a non-complying 26'-3½" to a still non-complying 20'-0" on the first floor and 24'-0" on the second floor; and

WHEREAS, the plans for conversion include a two-story plus attic extension in the front of the home, two one-story extensions on the southern side of the home, and an extension in the rear yard; only the proposed rear yard extension is the subject of this application; and

WHEREAS, the applicant further represents that the proposal will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, the applicant submitted a rear yard study which established that of the 35 lots on the subject block which have rear yards, 14 have rear yards with depths of less than 30'-0", and that 36% of such lots have rear yards have depths of equal to or less than 20'-0"; the applicant represents that 22 of the 35 lots have garages located in their rear yards, including the houses adjacent to the subject property; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R5 zoning district, the enlargement of a residence being converted from a two-family to a single-family residence which does not comply with the zoning requirements for rear yards contrary to ZR § 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 5, 2015"- (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,120 sq. ft. (1.03 FAR), side yards of 6' 8-3/8" and 6' 3-5/8", a front yard with a minimum depth of 10'-0", and a rear yard with a minimum depth of 20'-0" at the first floor and 24'-0" at the second floor, all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 24, 2019; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 24, 2015.

***The resolution has been amended to correct the approved side yards which read:** *6'-8.375"* and *10'-8.375"*. **Now reads:** *6' 8-3/8"* **and** *6' 3-5/8"*. **Corrected in Bulletin Nos. 28-29, Vol. 101, dated July 20, 2016.**

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BULLETIN

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New Case Filed Up to July 19, 2016

2016-4227-A

112 Fleet Place, located on the northewest corner of Willoughby Street and Fleet Place, Block 02062, Lot(s) 23, Borough of **Brooklyn, Community Board: 2**. Proposed development which is within the bed of a mapped but unopened portion of Fleet Place, located on the north west corner of Willoughby Street and Fleet Place , contrary to General City Law 35 and related bulk waivers pursuant to ZR Section 72-01(g) . C6-4 (Special Downtown Brooklyn District) zoning district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
AUGUST 23, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 23, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

240-55-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for DLC Properties LLC, owner.
SUBJECT – Application December 24, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive repair facility (UG 16B) which is set to expired on November 3, 2018; Amendment (§11-413) to permit a change in use from automotive repair facility (UG 16B) to automotive sales (UG 9A); Extension of Time to Obtain a Certificate of Occupancy which expired on April 1, 2015; Waiver of the Rules to permit the filing for an Extension of Term in excess of 1 year prior to the expiration and for filing in excess of 30 day but less than 1 year of the expiration of the time to obtain a Certificate of Occupancy. C2-2/R6B & R4 zoning district.
PREMISES AFFECTED – 207-22 Northern Boulevard, Block 7305, Lot 19, Borough of Queens.
COMMUNITY BOARD #11Q

716-82-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP for Cigarette Realty Co., LLC, owner.
SUBJECT – Application November 9, 2015 – Extension of term of variance (72-21) which permitted retail stores, offices and accessory parking at the rear of the building which expired on June 13, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on June 13, 2003; Waiver of the Rules. C2-2/R6 & R4 zoning district.
PREMISES AFFECTED – 209-30 Northern Boulevard, Block 7309, Lot 15, Borough of Queens.
COMMUNITY BOARD #11Q

818-85-BZ
APPLICANT – Herrick, Feinstein LLP for 119 Christopher LLC, owner.
SUBJECT – Application June 7, 2016 – Amendment to modify a condition to a previously approved Variance (§72-21) which permitted a retail (UG 6) on a portion of the ground floor of a 6-story multiple dwelling. The amendment seeks to re-instate the term of the variance which expired on August 12, 1996. Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 119 Christopher Street, Block 619, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #2M

109-93-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Barone Properties, Inc., owner.
SUBJECT – Application December 24, 2015 – Extension of Term of a previously approved Variance (72-21) permitting an eating and drinking establishment (UG 6) which expired on May 24, 2014; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 189-11 Northern Boulevard, Block 5365, Lot 5, Borough of Queens.
COMMUNITY BOARD #11Q

65-94-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for KGH Realty Corp., owner.
SUBJECT – Application March 7, 2016 – Extension of Term of a previously approved Variance (§72-21) which permitted an enlargement contrary to side yard regulations and community facility (UG 4) on the ground and cellar floors and commercial offices (UG 6) in the garage which expired on March 5, 2016. R4B zoning district.
PREMISES AFFECTED – 144-02 Jewel Avenue, Block 6642, Lot 2, Borough of Queens.
COMMUNITY BOARD #8Q

APPEALS CALENDAR

2016-4155-A thru 2016-4162-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Van Pelt Development LLC, owner.
SUBJECT – Application March 31, 2016 – To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.
PREMISES AFFECTED – 1,5,9,15,19,23,27,31 Montana Court, Block 1196, Lot (s) 196, 197, 198, 199, 42, 41, 200, 201, Borough of Staten Island.
COMMUNITY BOARD #1SI

REGULAR MEETING
AUGUST 23, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 23, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

2016-4164-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mark M. Papa and Chana S. Papa, owners.
SUBJECT – Application April 6, 2016 – Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); side yard requirements (§§23-461 & 23-48) and less than the required rear yard (§23-47). R3-2 zoning district.
PREMISES AFFECTED – 1744 East 29th Street, Block 6811, Lot 22, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4180-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Dennis Tuohey, owner.
SUBJECT – Application April 27, 2016 – Special Permit (§73-621) for the enlargement of an existing single family home contrary to floor area and lot coverage (ZR 23-141). R2A zoning district.
PREMISES AFFECTED – 87-25 252nd Street, Block 8645, Lot 12, Borough of Queens.
COMMUNITY BOARD #13Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, JULY 19, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

1207-66-BZ
APPLICANT – Carl A. Sulfaro, Esq., for Apple Art Supplies of New York, LLC., owner.
SUBJECT – Application December 10, 2014 – Extension of Term of a previously granted variance for the continued operation of a UG6 art supply and bookstore which expired July 5, 2012; Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 305 Washington Avenue aka 321 DeKalb Avenue, northeast corner of Washington Avenue & DeKalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure, a reopening and an extension of term for a previously granted variance for an artist's supply and book store, in a building located in an R6B zoning district, which expired on July 5, 2012; and

WHEREAS, a public hearing was held on this application on April 21, 2015 after due notice by publication in *The City Record*, with continued hearings on August 25, 2015, September 18, 2015, and March 22, 2016, and then to decision on July 19, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located at the northeast corner of the intersection formed by Washington Avenue and DeKalb Avenue, in an R6B zoning district, within the Clinton Hill Historic District, in Brooklyn; the site has approximately 28.5 feet of frontage along the east side of Washington Avenue and approximately 141.75 feet of frontage along DeKalb Avenue; and

WHEREAS, the site contains approximately 4,632 sq. ft. of lot area, and is occupied by a three-story, mixed-use building, in the basement of which, pursuant to a variance issued on May 2, 1967, under the subject BSA Calendar Number (the "Initial Variance"), there exists an artist's supply and bookstore; and

WHEREAS, as noted, the Board has exercised jurisdiction over the subject site since May 2, 1967, when the Initial Variance was granted; the Board extended the applicant's time to obtain a Certificate of Occupancy on July 9, 1968; extended the term of the variance for an additional five (5) years on May 2, 1972, and again on July 7, 1977, with both extensions conditioned on the applicant's obtaining a Certificate of Occupancy within one year of the grant; the Board extended the term for an additional ten (10) years on May 11, 1982, and again on March 16, 1993, and January 7, 2003, all grants on the condition that the applicant obtain a new Certificate of Occupancy within one year of the grant; and

WHEREAS, the January 7, 2003 grant, which expired on July 5, 2012, also amended the Initial Variance to permit additional sales area and accessory office space on the basement level of the subject building, in lieu of storage for the bookstore; and

WHEREAS, the term of the variance having expired, the applicant now seeks an extension of term for an additional ten (10) years, to expire on July 5, 2022; and

WHEREAS, the applicant seeks a waiver of Board Rule of Practice and Procedure § 1-07.3(b)(3)(ii) to permit the filing of the subject application for an extension of term; and

WHEREAS, additionally, the applicant seeks a waiver of Board Rule of Practice and Procedure § 1-07.3(d) to permit the filing of the subject application more than thirty days after the expiration of the time to obtain a Certificate of Occupancy; and

WHEREAS, the Board waived the foregoing Rules of Practice and Procedure; and

WHEREAS, the applicant submitted a Certificate of No Effect from the New York City Landmarks Preservation Commission ("LPC") dated April 22, 2016, CNE No. 18-4979, approving interior alterations to the basement and cellar floors of the subject building; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 2, 1967, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on July 5, 2022; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received December 10, 2014'-Five (5) sheets and 'September 2, 2015'-One (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from July 5, 2012, expiring July 5, 2022;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by July 19, 218; and

THAT DOB must ensure compliance with all other

applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 19, 2016.

472-37-BZ
APPLICANT – Eric Palatnik, P.C., for 246 Sears Road Realty Corp., owner.
SUBJECT – Application October 14, 2014 – Extension of Term (§11-411) for the continued operation of an automotive service station which expired on January 27, 2014; Amendment (§11-412) to permit the conversion of repair bays into convenient store, the addition of a new canopy and relocation of fuel storage tanks. R5 zoning district.
PREMISES AFFECTED –2765 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 06915, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

196-49-BZ
APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.
SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

413-50-BZ
APPLICANT – Eric Palatnik, P.C., for Sandra Yetman, owner; BP Products North America Inc., lessee.
SUBJECT – Application October 8, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) which expires on November 18, 2015. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 691 East 149th Street, Block 2623, Lot 140, Borough of Bronx.
COMMUNITY BOARD #1BX

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to October 18, 2016, at 10 A.M., for continued hearing.

528-64-BZ
APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.
SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.
PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

302-08-BZ
APPLICANT – NYC Board of Standards and Appeals.
SUBJECT – Application March 18, 2016 – Remanded by the Court back to the NYC Board of Standards and Appeals to consider whether petitioner satisfied the remaining elements required for a Variance (§72-21) to permit an existing semi-detached residential building, contrary to side yard regulations (§23-462). R5 zoning district.
PREMISES AFFECTED – 4368 Furman Avenue, Block 5047, Lot 12, Borough of Bronx.
COMMUNITY BOARD #12BX

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

300-08-A
APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.
PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.
COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for deferred decision.

2016-4129-A & 2016-4130-A
APPLICANT – Eric Palatnik, P.C., for Harris Lane Associates Corp., owner.
SUBJECT – Application March 4, 2016 – Proposed construction of family dwelling not fronting on a legally mapped street contrary to General City Law 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 72 & 74 Harris Lane, Block 7094, Lot(s) 1 & 9, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

21-15-BZ
APPLICANT – Eric Palatnik, P.C., for Edward Nektalov, owner.
SUBJECT – Application February 5, 2015 –Special Permit (73-621) to for the enlargement of an existing one-family dwelling which will not provide the required open space ratio. R1-2A zoning district.
PREMISES AFFECTED – 112-35 69th Avenue, between 112th Street and Grand Central Parkway Service Road, Block 2241, Lot 48, Borough of Queens.
COMMUNITY BOARD #6Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated October 1, 2015, acting on DOB Application No. 421024661, reads in pertinent part:

Proposed residential alteration:

(1) Exceeds maximum permitted floor area as per ZR 23-41.
(2) Exceeds maximum permitted lot coverage as per ZR 23-141.
(3) Does not provide the required minimum open space as per ZR 23-141; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141, setting forth the maximum lot coverage, required open space, and maximum floor area ratio permitted in an R1-2A zoning district, is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141 in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R1-2A zoning district the proposed enlargement of an existing one-family swelling which does not comply with the requirements for floor area, lot coverage, and open space as per ZR § 23-142 et seq.; and

WHEREAS, a public hearing was held on this application on March 22, 2016 after due notice by publication in *The City Record*, with continued hearings on May 3, 2016, and June 21, 2016, and then to decision on July 19, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 6, Queens, recommends approval of the application; and

WHEREAS, the subject site is located on the north side of 69th Avenue, between the Grand Central Parkway Service Way and 112th Street, in an R1-2A zoning district, in Queens; and

WHEREAS, the site has approximately 62'-6" of frontage along 69th Avenue, a depth of 100 feet, and 6,242 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story, one-family dwelling which contains 2,824 sq. ft. of floor area (.45 FAR); and

WHEREAS, the applicant proposes to enlarge the building by adding an additional 1,105 sq. ft. of floor area, for a total of 3,929 sq. ft. (.63 FAR); the enlargement will increase the lot coverage of the building to 31.5-percent and reduce the open space on the subject site; and

WHEREAS, in order to meet its needs, the applicant seeks a special permit pursuant to ZR § 73-621, to enlarge the subject building; and

WHEREAS, ZR § 73-621 provides that:

> For a complying or *non-complying building* existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing *residential uses*, the Board of Standards and Appeals may permit an *enlargement*, a change of *use* or (in the case of a *mixed building*) and *extension*, provided that such *enlargement*, change of *use* or *extension* shall not create any new *non-compliance* or increase the amount or degree of any existing *non-compliance* except as provided in this Section.
> In the districts and for the *buildings* for which an *open space ratio* is required, the *open space ratio* permitted under this Section shall not be less than 90 percent of the *open space ratio* required under

the applicable *bulk* regulations set forth in Article II or III of this Resolution. In the districts and for the *buildings* to which a maximum *lot coverage* applies, the maximum *lot coverage* permitted under this Section shall not exceed 110 percent of the maximum *lot coverage* permitted under the applicable *bulk* regulations set forth in Article II or III of this Resolution. In all districts, the *floor area ratio* permitted under this Section shall not exceed the *floor area ratio* permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional *floor area* permitted pursuant to this Section may be computed using a base *floor area ratio* including the *floor area* permitted under a sloping roof with a structural headroom between five and eight feet when such space is provided in the *building*.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, the Board notes that, pursuant to ZR § 73-04, failure to comply with any of the conditions or restrictions imposed herein "shall constitute a violation of [the Zoning Resolution], and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies."

WHEREAS, the applicant submitted a Certificate of Occupancy issued by the Department of Buildings ("DOB") for the subject building, dated October 22, 1956; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available for the proposed enlargement; and

WHEREAS, as a threshold issue, pursuant to ZR § 73-621, the enlargement of a building containing a residential use cannot create any new non-compliances or increase the amount or degree of any existing non-compliance; and

WHEREAS, the applicant represents that the proposal does not create new non-compliances or increase the amount or degree of any existing non-compliance, save those items which are the subject of this application and are provided for in the subject special permit; and

WHEREAS, as noted, ZR § 73-621 permits the enlargement of a building containing a residential use provided that the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the proposed floor area ratio, the Board finds that the proposed floor area does not exceed 110 percent of the maximum permitted; and

WHEREAS, as also noted, ZR § 73-621 also permits an applicant to provide less than the required minimum open space provided that the proposed open space ratio is not less than 90 percent of the open space ratio required; and

WHEREAS, as to the proposed open space ratio, the Board finds that the proposed open space ratio is not less than 90 percent of the minimum required open space ratio; and

WHEREAS, as also noted, ZR § 73-621 also permits an applicant to increase the lot coverage of the subject site provided that the proposed lot coverage does not exceed 110 percent of the maximum lot coverage permitted in the underlying zoning district; and

WHEREAS, as to the proposed lot coverage, the Board finds that the proposed lot coverage does not exceed 110 percent of the maximum permitted; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-621 and 73-03, to permit, within an R1-2A zoning district the proposed enlargement of an existing one-family swelling which does not comply with the requirements for floor area, lot coverage, and open space as per ZR § 23-142 et seq.; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received July 6, 2016"-Eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,929.5 sq. ft. (.63 FAR), lot coverage of 1,971 sq. ft., or 31.5 percent, and an open space ratio of 68.5 percent, all as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT substantial construction shall be completed in accordance with ZR § 73-70; and

THAT the Department of Buildings must ensure, compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 19, 2016.

204-15-BZ
CEQR #16-BSA-026M
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Caledonia Retail Associates LLC, owner.
SUBJECT – Application August 31, 2015 – Special Permit 73-36: to allow a (*SoulCycle*) physical culture establishment within portion of an existing twenty-four story mixed use building in a C6-3 (WCH) zoning district.
PREMISES AFFECTED – 98-100 10th Avenue, aka 450 West 17th Street, Block 714, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 1, 2016, acting on Department of Buildings Application No. 122486238, reads in pertinent part:

> Proposed Physical Culture Establishment not permitted As-Of-Right as per section 32-10 and requires a special permit by the Board of Standards and Appeals (BSA) to comply with ZR 73-36

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-3 zoning district, within the Special West Chelsea District, the operation of a physical culture establishment (PCE) in a 24-story with cellar mixed-use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 14, 2016 after due notice by publication in *The City Record*, and then to decision July 19, 2016; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on the northeast corner of the intersection of 10th Avenue and West 16th Street, in Manhattan, within a C6-3 zoning district, within the Special West Chelsea District; the site has approximately 161 feet of frontage along the east side of 10th Avenue, approximately 300 feet of frontage along the north side of West 16th Street, and approximately 200 feet of frontage along the south side of West 17th Street; the site has a lot area of 64,310 sq. ft.; and

WHEREAS, the site is occupied by a 24-story with cellar mixed-use building which contains approximately 440,937 sq. ft. of floor area; the building contains 469 dwelling units, accessory parking for 210 cars, and retail stores, restaurant, and accessory uses on the cellar, mezzanine, and first floor thereof; there is another PCE on the site, approved by the Board under BSA Cal. No. 41-07-BZ, which contains approximately 21,676 sq. ft. of floor space in the cellar of the building and 11,081 sq. ft. of floor area on the first floor and mezzanine of the building; and

WHEREAS, the proposed PCE shall contain 3,739 sq. ft. of floor area on the first floor of the building, located at the corner of 10th Avenue and West 16th Street; the main entrance to the PCE shall be off of 10th Avenue, and the facilities shall include an entrance lobby, a reception desk, a cycling studio with approximately 58 patron cycles, and locker rooms; and

WHEREAS, the PCE shall operate as SoulCycle; and

WHEREAS, the PCE's hours of operation shall be: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated July 14, 2016, the Fire Department states that it has made necessary inspections of the PCE space and that it has no objection to the proposed PCE; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No.16BSA026M, dated August 31, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-3 zoning district, within the Special West Chelsea District, the operation of a physical culture establishment (PCE) in a 24-story with cellar mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 27, 2016"- Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on July 19, 2026;

THAT there will be no change in ownership or control

of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the hours of operation for the PCE shall be Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.;

THAT acoustic mitigation shall be installed as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 19, 2016.

330-13-BZ
APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.
SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.
PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

30-14-BZ
APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.
SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.
PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #11BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

152-14-BZ
APPLICANT – Sheldon Lobel, P.C., for Ashawagh Cottage, LLC., owner.
SUBJECT – Application June 26, 2014 – Variance (§72-21) to permit the construction of a new community facility building at the premises which would contain a for-profit school, the school at Fillmore Place for children ages two through six. R6B zoning district in a historic district.
PREMISES AFFECTED – 673 Driggs Avenue, Block 2382, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for continued hearing.

269-14-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for 89-40 Realty LLC/Yaron Rosenthal, owner; Sun Star Services, lessee.
SUBJECT – Application November 3, 2014 – Special Permit §73-36) to permit the physical culture establishment *(Massage Envy Spa)* on the first floor level of an existing commercial building in a C2-2 in R4 zoning district.
PREMISES AFFECTED – 89-44 Metropolitan Avenue, southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 03872, Lot 33, Borough of Queens.
COMMUNITY BOARD #5Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

331-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.
PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum

to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to August 2, 2016, at 10 A.M., for adjourned hearing.

93-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Shalom Stein, owner.
SUBJECT – Application April 27, 2015 – Variance (§72-21) to construct a new UG4 Synagogue at the premises to certain bulk and parking regulations and waiver of the floor area side yard , located within an R2X zoning district.
PREMISES AFFECTED – 1011 Reads Lane, between Cornaga Court and Mobile Road, Block 15553, Lot 28, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for continued hearing.

278-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Rafael Levy, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461). R2 zoning district.
PREMISES AFFECTED – 3556 Bedford Avenue, between Avenue N and Avenue O, Block 7678, Lot 72, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for reopen hearing.

REGULAR MEETING
TUESDAY AFTERNOON, JULY 19, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

2016-4154-BZ
CEQR #16-BSA-101K
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 342 Flatbush LLC, owner; SoulCycle Flatbush BK, LLC, lessee.
SUBJECT – Application March 31, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*SoulCycle*) within an existing building. C2-4/R7-A & R7B zoning district.
PREMISES AFFECTED – 342 Flatbush Avenue, Block 1058, Lot 33, Borough of Brooklyn.
COMMUNITY BOARD #6BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Deputy Borough Commissioner, dated March 15, 2016, acting on Department of Buildings ("DOB") Application No. 320624801, reads in pertinent part:

> Proposed Physical Culture Establishment (PCE) in a C2-4 zoning district is contrary to Section 32-10 and requires a special permit from the Board of Standards and Appeals

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially located within a an R7A (C2-4) zoning district, and also partially within an R7B zoning district, the operation of a physical culture establishment (PCE) in a one-story, with cellar, building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 19, 2016 after due notice by publication in *The City Record*, and then to decision July 19, 2016; and

WHEREAS, the applicant states that the land use committee of Community Board 6, Brooklyn, recommended approval of this application, but that the Community Board's resolution will not be issued until after that board's summer recess; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and neighborhood; and

WHEREAS, the subject site is a through lot located between Flatbush Avenue and St. John's Place, south of Sterling Place, in Brooklyn, the site is located partially within an R7A (C2-4) zoning district, and also partially within an R7B zoning district; the site has approximately 50 feet of frontage along the south side of Flatbush Avenue and approximately 50 feet of frontage along the north side of St. John's Place; the site has a lot area of approximately 7,865 sq. ft.; and

WHEREAS, the C2-4 commercial overlay on the subject site extends 100 feet from the street line of Flatbush Avenue, and the applicant represents that the entirety of the proposed PCE will be located within the commercially-zoned portion of the subject building; and

WHEREAS, the site is occupied by a one-story, with cellar, building, which is currently vacant; on March 23, 2015, DOB issued a permit authorizing an alteration of the subject building to add a partial second floor and mezzanine thereto;

the proposed PCE will occupy a portion of the first and second floors of the subject building; the PCE space on the first floor of the subject building, containing 366 sq. ft. of floor area, will consist of an entrance lobby with stairway and elevator access to the second floor PCE space; the PCE space on the second floor of the subject building, containing 3,000 sq. ft. of floor area, will include a reception desk, locker rooms, office space, a retail area and the PCE cycling studio with approximately 55 patron cycles, thus, the PCE shall contain 3,666 sq. ft. of floor area within the subject building; and

WHEREAS, the PCE shall operate as SoulCycle; and

WHEREAS, the PCE's hours of operation shall be: Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated July 14, 2016, the Fire Department states that, based on its review of the drawings and supporting documentation for the proposed PCE, it has no objection to the subject application; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16-BSA-101K, dated March 31, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site partially located within a an R7A (C2-4) zoning district, and also partially within an R7B zoning district, the operation of a physical culture establishment (PCE) in a one-story, with cellar, building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 8, 2016"- seven (7) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on July 19, 2026;

THAT there will be no change in ownership or control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the hours of operation for the PCE shall be Monday through Saturday, 5:30 a.m. to 11:00 p.m., and on Sunday, 7:00 a.m. to 9:00 p.m.;

THAT an approved interior fire alarm system shall be installed in the entire PCE space, and that such system shall include the following items: area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, connection of the interior fire alarm to a FDNY approved central station;

THAT the entire PCE space is protected with a wet pipe sprinkler system;

THAT all exterior signage shall comply with C2-4 zoning district regulations;

THAT acoustic mitigation shall be installed as shown on BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 19, 2016.

6-14-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.

SUBJECT – Application January 9, 2014 – Special Permit (§73-211) to permit the operation of an Automotive Service Station (UG 16B) with an accessory convenience store. C2-1/R3-2 zoning district.

PREMISES AFFECTED – 2525 Victory Boulevard, Block 1521, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

137-15-BZ

APPLICANT – Law Office of Jay Goldstein for Congregation YGS, owner.

SUBJECT – Application – Variance (72-21) change of use and enlargement from existing Use Group 9 trade school to use Group 3 religious school (*Yeshiva Godolah Seminary*) with additional classrooms and dormitories. M1-1 zoning district.

PREMISES AFFECTED – 74-10 88th Street, Block 3810, Lot 93, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

236-15-BZ
APPLICANT – Sheldon Lobel, P.C., for George Acquisition LLC, owner.
SUBJECT – Application October 7, 2015 – Variance (§72-21) to permit the development of a two-story and cellar commercial building contrary to minimum front yard requirements. M1-4D zoning district.
PREMISES AFFECTED – 1677 George Street, Block 3551, Lot 68, Borough of Queens.
COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for continued hearing.

247-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Dom Ben Realty Corp., owner; IMAX Fit LLC, lessee.
SUBJECT – Application October 19, 2016– Special Permit (73-36) to allow the operation of a physical culture establishment (*IMAX Fit*) on portion of the ground floor. MX-2 within Ml-4/R8A zoning district.
PREMISES AFFECTED – 135 Plymouth Street, Block 18, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

256-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Goron Properties, Inc., owner; Blink 56-02 Roosevelt, Inc., lessee.
SUBJECT – Application November 12, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink Fitness*) to operate within an existing commercial building. C2-3/R6 zoning district.
PREMISES AFFECTED – 56-02 Roosevelt Avenue, Block 1327, Lot 35, Borough of Queens.
COMMUNITY BOARD #2Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M., for decision, hearing closed.

2016-4132-BZ
APPLICANT – Howard A. Zipser, Esq., for 513 West 26th Realty, LLC, owner; Avenue World Holdings LLC, lessee.
SUBJECT – Application March 7, 2016 – Special Permit (§73-19) to allow for a school (*Avenues: The World School*) to be located on the fourth (4th) floor of an existing building contrary to use regulations (§§42-12 & 42-14). M1-5 (Special West Chelsea) zoning district.
PREMISES AFFECTED – 513 & 515-519 West 26th Street, Block 698, Lot 18, Borough of Manhattan.
COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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30-00-BZ	465-469 West 165th Street and 458-464 West 166th Street, Manhattan
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232-15-A	840 West End Avenue aka 259 West 101 Street, Manhattan
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2016-4228-BZ
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2016-4230-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
SEPTEMBER 13, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 13, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

17-92-BZ
APPLICANT – Eric Palatnik, P.C., for E & O Realty, owner.
SUBJECT – Application October 23, 2015 – Extension of Term of a previously approved variance which expired on July 19, 2014; Amendment to permit renovations to the interior and exterior of the building; Waiver of the Rules. R5 zoning district
PREMISES AFFECTED – 60-06/12 Northern Boulevard, Block 1183, Lot 1, Borough of Queens.
COMMUNITY BOARD #2Q

168-98-BZ
APPLICANT – Robert J. Stahl for Herbert D. Freeman, 238 Street Holding, LLC, owner.
SUBJECT – Application April 10, 2015 – Extension of Term (§ 11-411) of a previously approved variance which permitted a parking lot for more than five motor vehicles (Use Group 8) which expired on March 23, 2009; Waiver of the Rules. R6/R4A zoning district.
PREMISES AFFECTED – 3050 Bailey Avenue, Block 3261, Lot 12, Borough of Bronx.
COMMUNITY BOARD #8BX

169-98-BZ
APPLICANT – Robert J. Stahl for Herbert D. Freeman, Albany Crescent Holding, LLC, owner.
SUBJECT – Application April 10, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on July 20, 2009; Amendment (§11-413) to permit a change of use to Automotive Repair Facility (UG 16B); Waiver of the Rules. C2-3/R6 zoning district.
PREMISES AFFECTED – 3141 Bailey Avenue, Block 3267, Lot 38, Borough of Bronx.
COMMUNITY BOARD #8BX

APPEALS CALENDAR

17-05-A
APPLICANT – Sheldon Lobel, P.C., for GRA V, LLC, owner.
SUBJECT – Application May 18, 2016 – Extension of Time to Complete Construction under the prior R6 zoning district. R4A zoning district.
PREMISES AFFECTED – 3329/3333 Giles Place, Block 3258, Lot 5, Borough of Bronx.
COMMUNITY BOARD #8BX

2016-1185-A
APPLICANT – Pryor Cashman LLP, for MBAR Realty, LLC and MBAR Realty #2LLC, owner.
SUBJECT – Application January 5, 2016 – Proposed construction of a four story with cellar Use Group 16 self-storage facility located within the bed of a mapped street, contrary to General City Law Section 35 and waiver of street wall and sky exposure plane under 72-01-(g). M1-1 zoning district.
PREMISES AFFECTED – 45-14 and 45-50 51st Street, Block 2283, Lot(s) 53, 54, Borough of Queens.
COMMUNITY BOARD #2Q

REGULAR MEETING
SEPTEMBER 13, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 13, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

248-15-BZ
APPLICANT – Eric Palatnik, P.C., for HDL Management, owner.
SUBJECT – Application October 21, 2015 – Special Permit (73-44) to reduce the 49 required parking spaces to twenty-five (25) for a proposed new five story and cellar new UG4 ambulatory diagnostic treatment health facility building. R5/C1-2 zoning district.
PREMISES AFFECTED – 150-15 Barclay Avenue, Block 5058, Lot 5, Borough of Queens.
COMMUNITY BOARD #7Q

254-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP
SUBJECT – Application November 9, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink*) within a new cellar and eight-story mixed-use building. C2-5/R7A zoning district.
PREMISES AFFECTED – 98 Avenue A, Block 402, Lot 3, Borough of Manhattan.
COMMUNITY BOARD #3M

2016-4152-BZ
APPLICANT – Law Office of Jay Goldstein, for Midyan Gate Realty No. 3 LLC, owner.
SUBJECT – Application March 28, 2016 – Special Permit (§73-19) to allow a school (UG 3) (*Yeshiva Darche Eres*) to occupy a portion of the first floor and the entirety of the second, third and fourth floors of the Premises, contrary to use regulation (§42-10). M1-1 (OP) zoning district.
PREMISES AFFECTED – 325 Avenue Y, Block 7192, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, AUGUST 2, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.
Absent: Commissioner Chanda.

SPECIAL ORDER CALENDAR

220-04-BZ
APPLICANT – Sheldon Lobel, P.C., for Marjay Realty, LLC c/o Avenue Management Group, Ltd., owner.
SUBJECT – Application May 8, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted a physical culture establishment, to occupy a portion of the second floor, of an existing six story building, which expired on January 1, 2015; Waiver of the Rules. M1-2/R6A zoning district
PREMISES AFFECTED – 500 Driggs Avenue, Block 3205, Lot 18, Borough of Brooklyn.
COMMUNITY BOARD #1BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
Absent: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure, an extension of term of a special permit for a physical culture establishment (PCE) previously granted by the Board, which expired on January 1, 2015, and an amendment of the same; and

WHEREAS, a public hearing was held on this application on June 14, 2016, after due notice by publication in *The City Record*, and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Driggs Avenue, between North 9th Street and North 10th Street, in an M1-2/R6A zoning district and an MX-8 Special Mixed Use District, in Brooklyn; and

WHEREAS, the site has approximately 200 feet of frontage along Driggs Avenue, 200 feet of frontage along North 9th Street, 150 feet of frontage along North 10th Street, 35,000 sq. ft. of lot area and is occupied by a six-story mixed use building; and

WHEREAS, the subject PCE occupies space on the first and second floors of the existing building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 28, 2003 when, under BSA Calendar No. 366-01-BZ, the Board granted a use variance permitting the partial conversion of the building to residential use contrary to applicable use regulations; and

WHEREAS, on March 15, 2005, under the subject calendar number, the Board granted a special permit legalizing the subject PCE for a term of ten (10) years, expiring on January 1, 2015, with the following hours of operation: Monday through Friday 5:00 a.m. to 11:00 p.m., Saturday 6:00 a.m. to 7:00 p.m. and Sunday 7:00 a.m. to 7:00 p.m.; and

WHEREAS, by letter on September 26, 2012, under the subject calendar number, the Board approved the applicant's request for a change in ownership and operating control of the PCE from Maxim Health and Fitness to Chalk Gyms; and

WHEREAS, the applicant presently seeks an extension of term of the special permit for an additional ten (10) years, as well as an amendment to the special permit to reflect the PCE's current hours of operation: Monday through Friday 5:00 a.m. to 11:00 p.m., Saturday 7:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 8:00 p.m.; and

WHEREAS, in addition, the applicant seeks a waiver of the Boards Rules of Practice and Procedure § 1-07.3(b)(2) to permit the filing of this application less than two (2) years after the expiration of the term and, consistent with that rule, has demonstrated that the PCE use has been continuous since the expiration of the term and that substantial prejudice would result without the waiver; and

WHEREAS, the applicant notes that the Board's March 2005 Resolution approving the PCE use indicated that the PCE occupied 10,036 sq. ft. of floor area on the second floor of the building only, but that this floor area calculation, as well as the floor area total indicated on the accompanying Board-approved plans, were incorrect; and

WHEREAS, the applicant clarifies that the PCE, in fact, occupies 973 sq. ft. of floor area on the first floor of the building, which fronts North 9th Street and is utilized as a lobby, and 9,118 sq. ft. of floor area on the second floor of the building—10,091 sq. ft. of total floor area—and that there have been no changes to the size of the PCE since the March 2005 grant; and

WHEREAS, the applicant also states that the PCE no longer provides massages at the premises and that while the PCE is separated from residential uses in the building by two floors, the applicant has added noise attenuation measures, including removal of the speakers from the ceiling to reduce vibrations and the installation of a volume limiter; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated March 15, 2005, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of ten (10) years, expiring January 1, 2025, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received July 12, 2016'–Six (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from January 1, 2015, expiring January 1, 2025;

THAT the hours of operation shall be limited to Monday through Friday 5:00 a.m. to 11:00 p.m., Saturday 7:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 8:00 p.m.;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy for the premises shall be obtained by August 2, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 2, 2016.

548-69-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America Inc.
SUBJECT – Application January 15, 2016 – Amendment of a variance which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to expand the existing convenience store and make various changes to the site. C2-3/R6B zoning district.
PREMISES AFFECTED – 107-10 Astoria Boulevard, Block 1694, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

173-92-BZ
APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.
SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar. C2-8A zoning district.
PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.
COMMUNITY BOARD #8M

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

4-95-BZ
APPLICANT – Carl A. Sulfaro, Esq., for 21 Hillside Avenue, LLC, owner; Community Parking Corp., lessee.
SUBJECT – Application March 10, 2016 – Extension of Term (§11-411) of a previously approved variance permitting a Public Parking Lot (UG 8) for 48 cars which expired on June 27, 2015; Amendment to permit transient parking for unsued spaces; Waiver of the Rules. R7-2 zoning district.
PREMISES AFFECTED – 21-23 Hillside Avenue, Block 2170, Lot 110, Borough of Manhattan.
COMMUNITY BOARD #12M

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

30-00-BZ
APPLICANT – Fried, Frank, Harris Shriver & Jacobson LLP, for The Trustees of Columbia University in the City of New York, lessee.
SUBJECT – Application February 17, 2016 – Extension of term of a previously granted variance granted pursuant to §72-21 of the zoning resolution which permitted an open parking lot (Use Group 8) which expired on February 6, 2016. R7-2 zoning district.
PREMISES AFFECTED – 465-469 West 165th Street and 458-464 West 166th Street, Block 2111, Lot(s) 53, 54, 55, 57, 71, 72, 73, Borough of Manhattan.
COMMUNITY BOARD #12M

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for adjourned hearing.

APPEALS CALENDAR

244-15-A
APPLICANT – Jay A. Segal, Esq., for 677 Fifth Avenue Corporation, owner.
SUBJECT – Application October 9, 2015 – Appeal challenging NYC Department of Building's determination that a video display wall with in a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).
PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4
Negative:.....0
Absent: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, this is an appeal of a Zoning Resolution Determination by the Department of Buildings ("DOB"), dated September 11, 2015, that a proposed illuminated

display wall behind the front window of a Microsoft retail location at the subject location constitutes a "sign," as defined in ZR § 12-10, and that a prior decision was correctly issued (the "Final Determination"); and

WHEREAS, the specific issues presented in this appeal are whether the display wall (1) is a "sign" pursuant to ZR § 12-10 and (2) "in a window" pursuant to subsection (c) of the same; and

WHEREAS, the Final Determination reads, in pertinent part:

> The proposed video wall clearly directs viewers' attention to the subject premises regardless of its specific content at this particular location. Retail establishments frequently incorporate digital signage, including video walls, into their retail environments as marketing devices, and Microsoft's retail locations throughout the country feature video walls delivering customized local and seasonal content to customers. . . . [T]he proposed video wall is a sign under ZR § 12-10. Although it does not appear to be an 'advertising sign' under the Zoning Resolution's § 12-10 definition, the sign is accessory to the subject premises and subject to the Zoning Resolution's provisions regarding non-advertising signs in C5-3 zoning districts.; and

WHEREAS, Microsoft Corporation, the lessee of the premises (the "Appellant" or "Microsoft"), appeals the Final Determination and seeks a determination from the Board that the proposed display wall does not qualify as a "sign" pursuant to ZR § 12-10; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, with continued hearings on May 24, 2016, and June 14, 2016, and then to decision on August 2, 2016; and

WHEREAS, Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the site is located on the east side of Fifth Avenue, between East 54th Street and East 53rd Street, in a C5-3 zoning district, the Special Midtown District and the Fifth Avenue Subdistrict, in Manhattan; and

WHEREAS, the site has approximately 50 feet of frontage along Fifth Avenue, 5,000 sq. ft. of lot area and is occupied by a seven-story Use Group 6 commercial building (the "Building"); and

PROCEDURAL HISTORY

WHEREAS, in September 2014, Microsoft entered into a lease to occupy the cellar through fifth floor of the Building with a retail store located on the first and second floors; and

WHEREAS, Microsoft designed its retail store to include a display wall 20 feet tall, 40 feet wide and setback 8'-5" 1 from the glass façade of the Building at the third and fourth floors, 30 feet above street level, located fully within the Building envelope and visible from Fifth Avenue (the "Display Wall"); and

WHEREAS, on October 29, 2014, Microsoft submitted a ZRD1 form to DOB requesting a determination that the proposed Display Wall did not qualify as a "sign" under ZR § 12-10; and

WHEREAS, ZR § 12-10 defines a "sign" as, in pertinent part:

> [A]ny writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trademark), flag, (including banner or pennant), or any other figure of similar character, that:
>
> (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a #building or other structure#2;
>
> (b) is used to announce, direct attention to, or advertise; and
>
> (c) is visible from outside a #building#. A #sign# shall include writing, representation or other figures of similar character, within a #building#, only when illuminated and located in a window; and

WHEREAS, on January 5, 2015, DOB denied the ZRD1 request stating, in relevant part, "The proposed digital displays will include decoration that is illuminated and is visible from the street, hence meeting the definition of a sign and your request is denied"; and

WHEREAS, by letter dated February 26, 2015, Microsoft appealed to DOB, requesting confirmation that the denial was correctly issued on the basis that it relied on only one of the three criteria by which ZR § 12-10 defines a "sign," that is, its visibility from the street; and

WHEREAS, on September 11, 2015, DOB issued the Final Determination concluding that the Display Wall "clearly directs viewers' attention to the subject premises regardless of its specific content" and thus constituted a "sign"; and

WHEREAS, by letter dated June 28, 2016, the Department of City Planning ("DCP") states that it support's DOB's position; and

THE APPELLANT'S POSITION

WHEREAS, Microsoft argues that because the Display Wall does not meet subsections (a), (b) or (c) of the definition of a "sign" set forth in ZR § 12-10, it is not a

1 In the description of its original request to DOB for a zoning determination, dated October 29, 2014, Microsoft stated that the Display Wall was setback 7'-2" from the window. With its letter submitted in pursuit of an appeal of DOB's denial of the ZRD1 request, dated February 26, 2015, Microsoft submitted renderings of the proposed Display Wall showing a setback of 8'-5". Microsoft has represented throughout the course of the subject appeal that the Display Wall is constructed and setback 8'-5" from the Building façade.

2 Hash marks indicate terms defined in Section 12-10 of the Zoning Resolution.

"sign" and need not conform to applicable zoning regulations; and

WHEREAS, Microsoft states that the Display Wall does not satisfy subsection (a) of the ZR § 12-10 definition of "sign" because it is not "attached to, painted on, or . . . represented on" the Building, but is, instead, entirely within the Building envelope and set back from its façade by more than eight feet; and

WHEREAS, Microsoft contests DOB's determination that the Display Wall meets subsection (b) of the definition of "sign" because it "directs viewers' attention to the subject premises regardless of its specific content"; and

WHEREAS, specifically, Microsoft asserts that the phrase "direct attention to" used in subsection (b) of the ZR § 12-10 definition of "sign" is clarified in the Zoning Resolution's definition of "advertising sign"3 and refers only to a sign directing attention to a business, profession, commodity, service or entertainment located on or off the site and, because the Display Wall does not direct attention to Microsoft's products, the Microsoft brand generally, the Building, Fifth Avenue, or advertise any other business or service located either on- or off-site it is not a "sign"; and

WHEREAS, Microsoft further states that the test for determining whether a display satisfies subsection (b) of the definition of "sign" was set forth in the Board's decision on BSA Cal. No. 180-14-A (332 West 44th Street, Manhattan, decided June 16, 2015, "BRAVO!"), which requires that a display direct or refer attention to something other than itself and have a "reasonable nexus" to the alleged referent (the "BRAVO! Decision"); and

WHEREAS, in BRAVO!, DOB argued that a design treatment on the north façade of a three-story public parking garage incorporating the word "BRAVO!" directed attention to the commercial use at the premises, announced or directed attention to the parking use for theater-goers arriving by car, celebrated the surrounding theater district, or directed attention to the marketing strategy of the owner that used other signage on and off the premises with the same font and color scheme as the "BRAVO!" display; and

WHEREAS, the Board found that the BRAVO! display was evocative of the owner's brand not in the use of the word itself, but in the manner in which the word was displayed, which display was consistent with the owner's marketing strategies located on other sites throughout the city, and disagreed with DOB's position "that whenever a writing is visible from outside a building and has an identifiable relationship with *anything*, including even the neighborhood in which the writing is located, such writing necessarily directs attention as contemplated in subsection (b) [of the definition of "sign"]" and therefore qualifies as a "sign"; and

WHEREAS, Microsoft states that DOB's argument that the Display Wall announces the store, regardless of its content, is contrary to the BRAVO! Decision because it ignores both the requirement that the display direct attention to something other than itself and have a "reasonable nexus" to the alleged referent; and

WHEREAS, Microsoft represents that the direct consequence of DOB's position in this case is that architectural features and projections on buildings, including statues, friezes and gargoyles, could constitute "signs" pursuant to ZR § 12-10 because they would similarly call a viewer's attention to the premises on which they are featured; and

WHEREAS, the Appellant represents that the Display Wall will feature still and moving images of landmarks, cultural events, geometric patterns, nature scenes and famous works of art and that the content of the Display Wall is controlled by an internal review board to ensure that there is no nexus between its content and Microsoft's advertising, branding or products; and

WHEREAS, the review board is composed of Microsoft employees including an Associate General Counsel and General Manager for Retail Stores, a Creative Director for Retail Stores, a General Manager of Worldwide Marketing for Retail and Online Stores and a Chief Operating Officer for Stores and reviews all proposals for Display Wall content to ensure that they do not include any of the following: (1) writings, logos, images or other representations associated with Microsoft or the products and services it offers; (2) images associated with the Microsoft brand or that are utilized by Microsoft in its advertising campaigns; (3) images promoting the Building or its Fifth Avenue location; (4) images that are submitted or chosen by the public, i.e. through a contest or voting; or (5) advertisements for any business, profession, commodity, service or entertainment conducted, sold or offered either on or off site; and

WHEREAS, the Display Wall itself consists of LED monitors manufactured by an independent company unaffiliated with Microsoft and its content is rendered through a computer running non-Microsoft software on a Windows legacy operating system that, though created by Microsoft, is no longer sold or supported by Microsoft; and

WHEREAS, Microsoft submits that it most typically differentiates itself from competitors based on the touch screen capabilities of its products, not their screen resolution and, in addition, represents that the picture clarity of the Display Wall is not superior to that of ordinary high-definition televisions; specifically, that the pixel density of the Display Wall is approximately 10 pixels per inch ("ppi") and that, in comparison to the typical pixel density of a 30-inch (measured on the diagonal) television screen, which has approximately 73ppi and is optimally viewed from four to six feet away, and a 60-inch television screen, which has approximately 37ppi and is optimally viewed from a distance slightly farther than six feet away, the images on the Display Wall are optimally viewed from a distance of approximately 100 feet away and can appear blurry at shorter distances; and

WHEREAS, thus, Microsoft represents that the

3 Section 12-10 of the Zoning Resolution defines "advertising sign" as "a "#sign# that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same #zoning lot# and is not #accessory# to a #use# located on the #zoning lot#."

Display Wall does not "announce" or "direct attention" to its retail location because the images displayed on it are discernable only from across the street, directly in front of the store, or a few feet immediately north or south of the store on Fifth Avenue, by which time, the Microsoft logos on the store will have already announced the store's presence; and

WHEREAS, Microsoft points out that the hours of the Display Wall are not tied to the hours of the store—the retail store hours are Monday to Saturday, 10:00 a.m. to 9:00 p.m., and Sunday, 11:00 a.m. to 7:00 p.m., and the hours of the Display Wall are Monday to Sunday, 8:00 a.m. to midnight; and

WHEREAS, the Appellant states that DOB's argument that the Display Wall is consistent with Microsoft's marketing, specifically that it is similar to video displays in other Microsoft stores, is factually incorrect because the Display Wall is unique in size, orientation and content from any display located in Microsoft's other 102 stores; and

WHEREAS, further, the Appellant contests DOB's assertion that the Display Wall visually refers to the signs interior to the store at the subject site, which show completely different content and almost exclusively feature Microsoft products, and represents that the Display Wall is not part of any comprehensive branding effort or campaign by Microsoft; and

WHEREAS, the Appellant also notes DOB's concession in the Final Determination—that digital signage, including video walls, are frequently incorporated by retailers into their retail environments as marketing devices—as contrary to DOB's argument that viewers would associate the Display Wall with Microsoft specifically, rather than with any other retailer; and

WHEREAS, Microsoft denies that it has a longstanding history of employing street art in its advertising efforts and repeats that the Display Wall will display images of landmarks, nature scenes, geometric patterns and images of works commonly known to be and recognized as works of art; and

WHEREAS, in reference to DOB's comparison of the presence of the Display Wall to the debut of Microsoft's Cube product at a music festival, Microsoft notes that that product, a three-dimensional interactive object, and the underlying technology that supports it, Microsoft Kinect, are notable for their interactive capabilities, points out that there is no interactive aspect to the programming for the Display Wall and reiterates that the Display Wall does not utilize any Microsoft hardware or software aside from a legacy Microsoft Windows operating system, which Microsoft states will be replaced with non-Microsoft produced technology if and when it ultimately ceases to function; and

WHEREAS, the Appellant has directed the Board's attention to a determination made by DOB's Technical Affairs Office that a display at a Uniqlo retail store located at 666 Fifth Avenue did not qualify as a sign pursuant to ZR § 12-10 (the "Uniqlo Determination"); and

WHEREAS, the display at Uniqlo consists of LED display screens set back approximately seven feet from the store's Fifth Avenue façade and three feet from its West 53rd Street façade, some with mannequins clad in Uniqlo merchandise positioned between the façade and the LED display screens, is visible from the street and features abstract images, colors and shapes non-specific to the products being sold within the store; the display screens were not proposed to feature the store's logos, pictures of merchandise or any other similar advertising material; and

WHEREAS, the Uniqlo Determination reads in pertinent part:

> [I]f such display screens provide a pictorial representation of the store or product logo(s) or displays writing, such as the word "sale," or the price or name of merchandise, then the display screens will direct attention to the building or merchandise and would be considered a ZR 12-10 illuminated "sign." Therefore, as proposed, the illuminated display screens do not meet the ZR 12-10 definition for illuminated "signs"; and

WHEREAS, the Appellant asserts that DOB's allegation that the presence of a Microsoft logo beneath the Display Wall creates the required nexus between the Display Wall and Microsoft causing the Display Wall to qualify as a "sign" under ZR § 12-10 is inconsistent with the Uniqlo Determination, which found no such similar nexus between the LED display screens and the mannequins positioned in front of them clothed in that store's products; and

WHEREAS, finally, the Appellant states that the Display Wall does not satisfy subsection (c) of the ZR § 12-10 definition of "sign" because, though it is illuminated and visible from the outside of the Building, it is not "in a window" in the plain meaning of that phrase because it is not literally set "in" a window and is, instead, set back from a window by more than eight feet; and

WHEREAS, the Appellant additionally notes a number of visual displays in retail stores located within three blocks of the subject site that would be considered "in a window" consistent with DOB's proposed interpretation of that phrase in this appeal, but have not been subjected to DOB regulation or enforcement and state that the position DOB has taken in this appeal is inconsistent with its enforcement practices in the geographic area; and

WHEREAS, Microsoft states that DOB's concern that a grant of this appeal would have a chilling effect on video displays in Times Square is overstated and misplaced because those displays are not required to show commercial content at all times and may, in fact, temporarily display non-commercial imagery without losing their status as "signs" under applicable zoning regulations; and

<u>DOB'S POSITION</u>

WHEREAS, DOB argues that the Display Wall qualifies as a "sign" pursuant to ZR § 12-10 because it is a structure or "attached to" a structure, is designed to "announce" or "direct attention" to the retail store in which it is located and it is "located in a window"; and

WHEREAS, more specifically, DOB states that the Display Wall is both an "illuminated sign," defined in ZR § 12-10 as "a #sign# designed to give forth any artificial light or reflect such light from an artificial source," and a

"flashing sign," defined in ZR § 12-10 as "any #illuminated sign#, whether stationary, revolving or rotating, that exhibits changing light or color effects"; and

WHEREAS, with regards to subsection (a) of the definition of sign, DOB asserts that the Display Wall is large enough to, itself, be considered a "structure" or, alternatively, that it must be "attached to" the Building in order to not pose a danger to customers within the store; and

WHEREAS, DOB also states that the Display Wall is designed to announce Microsoft's retail presence and "direct attention to" the on-site store, thus satisfying subsection (b) of the ZR § 12-10 definition of "sign"; and

WHEREAS, in support of that assertion, DOB submitted and made reference to articles in the record regarding the ability of the Display Wall to attract customers to the Microsoft store with its sheer size and mode of bright, flashing displays, regardless of its content; and

WHEREAS, DOB represents that its determination that the Display Wall is used to announce or direct attention is consistent with the Board's BRAVO! Decision and states that the Display Wall is a visual reference to other high-resolution video displays inside the Microsoft store and was heavily featured in Microsoft's marketing materials for the subject retail location; and

WHEREAS, DOB also notes the presence of a "Microsoft" logo directly below the Display Wall as evidencing a more direct connection between the Display Wall and the Microsoft brand than the common font and color scheme did to establish a connection between the word "Bravo" and the commercial function of the parking garage in the BRAVO! Decision; and that the presence and proximity of the logo, in addition to the aforementioned size and brightness of the Display Wall, renders its precise content irrelevant for purposes of directing attention to the store and, thus, qualifies the Display Wall as a "sign"; and

WHEREAS, DOB has also noted marketing research indicating that advertising can be more effective when it does not overtly feature products, or even text, and that consumers particularly like visual displays that represent images of a particular locale, i.e. New York City, and spend more money at retailers that host such displays; and

WHEREAS, in particular, DOB cites Microsoft's purported longstanding use of street art imagery and digital, often interactive, experiences in advertising for its products, thereby creating a nexus between art and commerce and suggesting that the Display Wall is consistent with Microsoft's marketing of its brand; and

WHEREAS, DOB cites Microsoft's demonstration of its Cube product and Kinect technology at a music festival wherein attendees were invited to interact with the product and become part of the installation as an example of a marketing campaign that advertised Microsoft products without overtly selling them; and

WHEREAS, DOB argues that the plain and ordinary meaning of the phrase "in a window" refers to objects located beyond the vertical plane of the glass, but acknowledges that the ZR § 12-10 definition of "sign" does not specify the precise distance at which a display can no longer be considered to be "in a window"; and

WHEREAS, DOB suggests that a conclusion that a display is "in a window" is based on the particular facts of a given installation and that, in this case, the sheer size of the Display Wall at 800 sq. ft., its full building frontage-spanning width and floor straddling height, in combination with it being visible only from the street, not being visible from the interior of the store and the absence of any merchandise or retail space between the Display Wall and the window obstructing the view of the Display Wall from the street all lead to the conclusion that the Display Wall is, in fact, "in a window" despite being set back more than eight feet; and

WHEREAS, DOB distinguishes the Uniqlo Determination from the Final Determination in this case with the fact that the displays at the Uniqlo retail store were closer in design and composition to a backdrop, rather than signage, because there were obstructed by clothed mannequins and, thus, limited in their ability to "direct attention" from passersby; and

WHEREAS, with regards to Appellant's assertion that there are other displays in the area similarly non-compliant with signage regulations as DOB asserts the Display Wall is in the subject appeal, DOB states that it takes enforcement action based on complaints received from the public, that as an enforcement agency, it is not liable for violations of the Zoning Resolution by private parties and that a contrary policy would be untenable for an agency, like DOB, responsible for enforcing a plethora of rules against an entire city; and

WHEREAS, DOB asserts that a determination that the Display Wall is not "sign" would exclude non-commercial flashing video displays in Times Square from the Zoning Resolution definition of "sign" and render them non-compliant with the signage requirements of that district; and

WHEREAS, finally, DOB cites the Supreme Court and First Department decisions in *Van Wagner Communications v. Board of Standards and Appeals* ("*Van Wagner*")4, which annulled a Board determination that an art installation at 111 Varick Street, Manhattan was not an "advertising sign" (BSA Cal. No. 90-12-A, decided December 17, 2013, "Varick Street"); and

WHEREAS, in recognition that the New York City Law Department has filed a Motion for Leave to Appeal the First Department's decision in that case on the Board's behalf5, DOB argues, in the alternative, that if that the Varick Street Resolution is reinstated by the Court of Appeals, that Resolution is distinguishable in its facts from the subject appeal; and

WHEREAS, specifically, DOB relies on the Supreme Court's conclusion that the art installation, which consisted of layers of different colored paint applied to the exterior wall of a parking garage and intended to reveal patterns of color as the work weathered, was advertising for the artist who created it, despite the fact that the artist's signature or

4 Index No. 100085/2014 (Sup Ct, NY County 2014); 137 A.D.3d 650, 2016 NY Slip Op 02165 (1st Dept 2016).

5 The Law Department's Motion was filed on or around July 22, 2016.

other markings identifying the installation as work done by that particular artist had become illegible over time, because the installation was the subject of media coverage associating the installation with the artist, thereby directing attention to that artist and his artwork available off site; and

WHEREAS, DOB argues that, similarly, because of media coverage of the Microsoft retail store featuring the Display Wall, a nexus exists in observers' minds between the Display Wall and Microsoft's retail store at the subject location; and

WHEREAS, in the alternative, should the Board's Varick Street Resolution ultimately be reinstated on appeal, DOB argues that that facts of the subject appeal are distinguishable from those of the Varick Street case because the Display Wall is prominently displayed on the same site as the entity with whom a nexus is required whereas in Varick Street the artist did not occupy or operate on the same site as the installation; and

WHEREAS, in response to this argument at hearing, Appellant further distinguished Varick Street from the subject appeal by the facts that the Varick Street art installation is, in fact, noted as one of the works for which the artist is most known, demonstrating that the installation did, in fact, help establish his artistic reputation; that the Display Wall will not show a single image for a prolonged period of time (the Varick Street art installation was present at the site for 10 years); and that the images displayed will not function to enhance the reputations of the great artists to which they can be attributed; the Appellant also offered that if the Board were to believe otherwise, the Appellant would refrain from programming the Display Wall to feature notable works of art; and

DCP'S POSITION

WHEREAS, as noted above, by letter dated June 28, 2016, DCP states that it supports DOB's position in this appeal; and

WHEREAS, DCP's letter reads in pertinent part:

> Notwithstanding the applicant's contention that the display should be considered art and therefore not a sign, the definition of *sign* in the Zoning Resolution (ZR), Section 12-10, is broad and does not exclude from the definition the kind of display that the applicant refers to as art.
>
> . . . .
>
> The Microsoft video display, as shown, meets the definition of sign as a "pictorial representation (including illustration or decoration)", and it is meant to "direct attention to the store. Signs within stores that are "in the window" are subject to DOB interpretation as to what constitutes "in the window" because the ZR does not define that distance; however, to be a sign it must be "visible from outside the building." This video display is the full width of the store, is not visible inside the store but extremely visible from outside the building, and has no obstruction between it and the glass frontage of the store. The display is clearly aimed at the pedestrians on the street outside the storefront. . . . While the display of information and images in a large, hanging, vivid video display would typically meet the definition of an illuminated/flashing sign on any building, regardless of its precise content, it is particularly apparent that this display is related to the business of Microsoft, which specifically creates software to convey images and information through video screens.; and

CONCLUSION

WHEREAS, the Board concludes that the Display Wall is (1) not a "sign" and (2) not "in a window"; and

WHEREAS, the Board declines to find that the Display Wall is a "sign" because there is no reasonable nexus, as required by the BRAVO! Decision, between the images intended to be displayed thereon and something other than the Display Wall itself; and

WHEREAS, specifically, the Board fails to find a nexus between the Display Wall and any Microsoft products or services or any of Microsoft's marketing campaigns anywhere in the world; and

WHEREAS, the Board agrees with Microsoft that to accept DOB's argument that the Display Wall is a sign because of its size and ability to command attention to the Building, regardless of its content, could result in a determination that architectural design elements on buildings are "signs" under the Zoning Resolution and subject to regulation pursuant to the same; and

WHEREAS, the Board also fails to see a connection or nexus between the Display Wall and the video displays on the interior of the store, which explicitly provide information relating to Microsoft's products; and

WHEREAS, the Board credits Microsoft's assertion that because of the setback, the Display Wall is most visible from across the street or directly in front of the store and, unlike many other displays on or near Fifth Avenue, does not beckon pedestrians to the premises prior to the realization that the premises is home to a Microsoft retail location; and

WHEREAS, the Board further notes that, in the BRAVO! Decision, the Board specifically rejected DOB's argument that the painted word "Bravo" was a sign because of its purported celebration of theater or the nearby Theater District and, accordingly, discounts DOB's argument presented in this appeal that the display of place-specific content on the Display Wall, including images of the Statue of Liberty and other New York City landmarks, causes the Display Wall to qualify as a "sign"; and

WHEREAS, the Board finds that the Uniqlo Determination reinforces Microsoft's argument that the Display Wall, which would show images unrelated to the products sold within the Microsoft retail store or the Microsoft brand, will not direct attention to the Building or Microsoft merchandise; and

WHEREAS, the Board also concludes that the Display Wall is not "in a window," as required to qualify as a "sign" under subsection (c) of the definition; and

WHEREAS, the Board rejects the interpretations of the phrase "in a window" offered by both the Appellant and

DOB in this appeal, finding each to be an extreme and untenable reading of the zoning text; and

WHEREAS, in particular, the Board rejects DOB's argument that the dimensions of the Display Wall makes the more than eight foot distance from the glass façade of the Building minimal and reasonable such that a display set that far back still qualifies as being "in a window"; and

WHEREAS, the Board also refuses to read "in a window" to require the consideration of factors not mentioned in the zoning text, including the size of the display, whether it is visible from inside the building and the degree to which its view from outside the building is unobstructed; and

WHEREAS, the Board is disturbed by the subjectivity and uncertainty inherent in DO B's proffered interpretation of "in a window," which is presented without reference to a specified distance at which point displays may be safely considered to be something other than "in a window," the seemingly inconsistent enforcement of that standard and the suggested loophole of that interpretation, unjustified by the text, that placing something between the display and the window allows a display to avoid signage regulations; and

WHEREAS, the Board believes that the acceptance of DOB's position on this point could lead to an absurd result of regulating displays deep within building envelopes simply because advances in technology enable displays to be highly discernable from great distances; and

WHEREAS, the Board fails to understand the applicability of DOB's argument that a conclusion that the Display Wall is not a "sign" would render all signs in Times Square showing non-commercial imagery non-compliant with signage regulations and notes DOB's later concession at hearing that the Special Times Square signage requirements set forth in ZR § 81-732 specify that signage in the area must be illuminated, not that it must be advertising; and

WHEREAS, finally, with regards to DOB's reliance on *Van Wagner*, the Board notes that the BRAVO! Decision applied the "reasonable nexus" standard established in the Varick Street decision to determine whether subsection (b) of the definition of "sign" is satisfied; and

WHEREAS, the Board further notes that neither the Supreme Court nor First Department decisions in *Van Wagner* suggested that setting such a standard was inappropriate, rather the First Department concluded that the Board's application of that standard had led to the incorrect conclusion in that particular instance; and

WHEREAS, for the reasons set forth above, the Board finds that the proposed Display Wall is not a "sign" under ZR § 12-10 and not "in a window" as required under subsection(c) of that definition; and

Therefore it is Resolved, that the subject appeal, seeking a reversal of the Final Determination, dated September 11, 2015, is *granted*.

Adopted by the Board of Standards and Appeals, July 12, 2016.

2016-4182-A

APPLICANT – Jay Goldstein, Esq., for Robert Bruzzese, owner.

SUBJECT – Application May 5, 2016 – Proposed construction of a one-story warehouse not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. M3-1 (SRD) zoning district.

PREMISES AFFECTED – 16 Derick Court, Block 7206, Lot(s) 322, 323, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4

Negative:.....0

Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated April 13, 2016, acting on DOB Application No. 520257329, reads in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a one-story Use Group 16 (UG 16) warehouse, with fifteen accessory parking spaces and a single loading berth, which will not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on August 2, 2016 after due notice by publication in *The City Record*, and then to decision on August 2, 2016; and

WHEREAS, Commissioner Montanez performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Staten Island, recommended approval of this application; and

WHEREAS, the subject premises are located between Derick Court and Zarellict Court, on the southwest corner at the intersection of Derick Court and Industrial Loop, in an M3-1 zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, the subject site, which is comprised of tax lots 322 and 323, has approximately 170 feet of frontage along Industrial Loop and a frontage approximately 180 feet along Derick Court; the site contains approximately 32,687 sq. ft. of lot area; and

WHEREAS, the applicant proposes to construct a one-story Use Group 16 (UG 16) warehouse, with fifteen accessory parking spaces and a single loading berth, with 15,232.5 sq. ft. of floor area (.47 FAR); and

WHEREAS, the applicant states that the proposed

building complies with and conforms to all applicable zoning district regulations, including those applicable in the South Richmond Development District; and

WHEREAS, the applicant also represents that the subject premises is not located in a flood hazard zone, tidal wetland area or freshwater wetlands zone; and

WHEREAS, the applicant states that Derick Court is a paved unmapped private street that extends north from Industrial Loop and ends in a cul de sac with a 35 foot radius; the applicant states further that Industrial Loop is an improved, one-way road which is not duly placed on the official New York City map; the applicant notes that Industrial Loop, which begins and ends at Arthur Kill Road, provides access to several commercial and manufacturing lots north of Arthur Kill Road; and

WHEREAS, the applicant notes that vehicles enter the Industrial Loop off of Arthur Kill Road to the south of the subject premises, and complete a loop by traveling north, west, and south, exiting again on Arthur Kill Road approximately 310 feet west of the point of entrance; and

WHEREAS, because the subject site is only accessible from Industrial Loop, which is not a street duly placed on the official map of the City of New York, the applicant seeks the relief sought herein; and

WHEREAS, by letter dated May 26, 2016, the Fire Department states that it has no objections to the subject application provided that (1) the proposed building is fully sprinklered; (2) a hydrant is placed within 100 feet of any Siamese connections; (3) a separate application to the FDNY is submitted for approval for any security gates to be installed as per NYC Fire Code section 503.2.8; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 13, 2016, acting on DOB Application No. 520257329, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received July 14,, 2016" -One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the proposed development, as designed, shall comply with all regulations of the Special South Richmond Development District;

THAT the proposed building shall be fully sprinklered;

THAT a fire hydrant shall be placed within 100 feet of any Siamese location;

THAT the applicant shall file a separate application to the FDNY for approval of any security gates to be installed at the subject site, as per NYC Fire Code section 503.2.8;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

232-15-A

APPLICANT – Sheldon Lobel, P.C., for Thor 840 West End Avenue LLC, owner.

SUBJECT – Application October 1, 2015 – Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district.

PREMISES AFFECTED – 840 West End Avenue aka 259 West 101 Street, Block 1873, Lot 01, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

2016-1218-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Georgiana L. DiMauro Living Trust, owner; FAS Building Corp., lessee.

SUBJECT – Application February 10, 2016 – To permit the proposed development consisting of a two-story building with warehouse use (UG 16) on the ground floor and office use (UG 6) on the upper floor contrary Article 3 Section 36 of the General City Law. M1-1 (SRD) zoning district.

PREMISES AFFECTED – 97 Storer Avenue, Block 7311, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

17-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Cong Chasdei Belz Beth Malka, owner.

SUBJECT – Application January 28, 2014 – Variance (§72-21) to add a third and fourth floor to an existing school building (*Congregation Chasidei Belz Beth Malka*), contrary to floor area (§24-11) lot coverage, maximum wall height (§24-521), side yard (§24-35), front yard (§24-34) and rear yard (§24-361) regulations. R5 zoning district.

PREMISES AFFECTED – 600 McDonald Avenue aka 14 Avenue C, aka 377 Dahill Road, south west corner of Avenue C and McDonald Avenue 655', 140'W, 15'N, 100'E, 586'N, 4"E, 54'N, 39.67'East, Block 5369, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Application withdrawn.

Adopted by the Board of Standards and Appeals, August 2, 2016.

158-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.

SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.

PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4

Negative:.....0

Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated June 25, 2014, acting on DOB Application No. 320917308, reads in pertinent part:

1. Proposed floor area ratio is more than .50, contrary to ZR 23-141(a)
2. Proposed open space ratio is less than 150.0, contrary to ZR 23-141(a)
3. Proposed side yards are less than required and contrary to ZR 23-461(a)
4. Proposed rear yard is less than 30 feet in depth, contrary to ZR 23-47; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(a), setting forth the required open space and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141; thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, and side yards, and rear yard, contrary to ZR §§ 23-141 and 23-461, et seq.; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, with continued hearings on May 24, 2016, and June 21, 2016, and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommended approval of this application subject to the removal of the addition chimney proposed at the rear of the enlarged area; and

WHEREAS, the subject site is located on the east side of East 27th Street, between Avenue K and Avenue L, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 30 feet of frontage along East 27th Street, a depth of 100 feet, and 3,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story plus attic single-family residence with approximately 1,745 sq. ft. of floor area (.58 FAR); and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single*- or *two family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
>
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
>
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
>
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single*- or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations

of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, the Board notes that, as per ZR § 73-04, in order to minimize the adverse effects of the subject special permit upon other property and the community at large, the Board is authorized to prescribe conditions to the subject grant which shall be incorporated into the building permit and certificate of occupancy; the Board notes further that, as stated explicitly in that provision, "[f]ailure to comply with such conditions or restrictions shall constitute a violation of [the Zoning Resolution], and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies"; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area of the building from 1,745 sq. ft. (.58 FAR) to 2,999.67 sq. ft. (1.00 FAR) (as per ZR § 23-141, the maximum permitted FAR is .50); decrease the open space ratio from 1.19 OSR (2,057 sq. ft.) to .53 OSR (1,620 sq. ft.) (as per ZR § 23-141, the minimum required open space ratio is 1.50); maintain the existing side yards of 0'-11" and 8'-8" (per ZR § 23-461(a), side yards of 5'-0" and 8'-0" are required); and reduce the rear yard from a depth of 33'-5" to a depth of 20'-0" (per ZR § 23-47, a rear yard with a depth of 30'-0" is required); and

WHEREAS, with respect to the proposed 1.0 FAR, the applicant submits that within the area surrounding the subject site, there are nineteen (19) homes with floor area ratios ranging from 1.0 to 1.55, containing floor area from 2,051 sq. ft. to 6,696 sq. ft.; the applicant states that the twelve (12) of those homes are located on the subject block, and that ten (10) of those homes have a greater floor area ratio than the proposed enlargement; and

WHEREAS, with respect to the proposed side yards, the applicant notes that the proposed enlargement continues the existing non-complying side yards pursuant to the subject special permit, and does not result in a decrease in the minimum width of open area between the subject building and the side lot line; and

WHEREAS, with respect to the proposed rear yard, the applicant submits that the proposed 20'-0" rear yard fits within the character of the subject neighborhood; the applicant submitted a rear yard diagram to illustrate that on the subject block, fifteen (15) of the forty-two (42) homes on the block (or 36 percent) have rear yards of less than the required 30'-0", ranging in depth from 14'-0" to 29'-0", and that of those fifteen (15) homes, eight (8) (or 53 percent), have rear yards that are equal to or lesser in depth than the proposed 20'-0" rear yard; and

WHEREAS, the applicant notes that the site directly behind the subject site has a 20'-0" rear yard, and that the sites adjacent and to the right and adjacent and to the left of the subject site have garages located in their rear yards, minimizing, the applicant states, the impact of the reduction in the depth of the subject rear yard; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R2 zoning district the proposed enlargement of a single-family detached residence that does not comply with the zoning requirements for floor area ratio, open space, and side yards, and rear yard, contrary to ZR §§ 23-141 and 23-461, et seq.; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received June 6, 2016"-Twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a total height of 35'-0", a maximum of 2,999.67 sq. ft. of floor area (1.0 FAR), a minimum open space ratio of 53 percent, side yards with minimum widths of 0'-11" and 8'-8", and a rear yard with a depth of 20'-0", all as illustrated on the BSA-approved plans;

THAT the garage shall be located a minimum of 3'-0" from the house at all points;

THAT the attic shall not be used for sleeping accommodations;

THAT exterior walls shown as existing on the BSA-approved plans shall not be demolished;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s), except as noted in this resolution, since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(a), setting forth the required open space and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141; thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141 and waives and/or modifies that provision of the Zoning Resolution;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by August 2, 2020;

and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

200-14-BZ
CEQR #15-BSA-045Q
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
PREMISES AFFECTED – 46-05 Parsons Boulevard aka 147-08 46th Avenue, Block 05462, Lot 3, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4
Negative:.....0
Absent: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decisions of the Department of Buildings, dated August 1, 2014, and April 13, 2016, botch acting on Department of Buildings Application No. 420980745, state, collectively, in pertinent part, that:

> The proposed building … requires BSA Zoning Variance because it is:
> (1) Contrary to Section 24-111 (floor area)…
> (2) Contrary to Section 24-521 (sky exposure plane)
> (3) Contrary to Section 24-30 (yards)
> (4) Contrary to Section 25-30 (parking)
> [5] Contrary to Section 24-551 (sky exposure plane side yard setback); and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R2 zoning district, the construction of a two-story, with dome, house of worship (the " Proposed Mosque"), contrary to ZR §§ 24-111, 24-30, 24-521, 24-551, and 25-30; and

WHEREAS, a public hearing was held on this application on February 2, 2016, after due notice by publication in *The City Record*, with continued hearings on April 26, 2016 and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 7, Queens, recommends disapproval of this application; and

WHEREAS, New York City Councilmember Peter Koo, Council Member for the 20th District, Queens, opposes this application; Councilmember Koo opposes the application on the grounds that the Proposed Mosque "would impose a significant burden on the surrounding neighborhood and infrastructure," specifically, Councilmember Koo stated a concern that the Proposed Mosque, which does not provide off-street parking, "would further congest our streets and burden our infrastructure"; and

WHEREAS, New York State Senator Tony Avella opposes the application; Senator Avella states, *inter alia*, that the Proposed Mosque is "too large for the site," that it "will not meet the programmatic needs of the congregation," that it well negatively impact traffic in the neighborhood surrounding the site, and that it does not meet the minimum variance requirement of ZR § 72-21(e); and

WHEREAS, certain members of the community, including members of the Kissena Park Civic Association, testified at the hearing in opposition to the application (collectively, the "Opposition"), citing the following primary concerns: (1) the Proposed Mosque is too large for the subject site; (2) the Proposed Mosque does not provide off-street parking; (3) the surrounding neighborhood is already "congested" with community facility uses which create traffic and make parking for residential neighbors difficult; (4) the Proposed Mosque, which does not comply with yard regulations, will negatively impact visibility for drivers and pedestrians along Parsons Boulevard; (5) the Proposed Mosque does not adequately address the programmatic needs of the applicant congregation; (6) the proposal does not meet the minimum variance requirement of ZR § 72-21(e); (7) that the site can be profitably developed as-of-right and, therefore, does not need to seek the variance which is the subject of this application; (8) that the height of the Proposed Mosque negatively impacts neighborhood character; (8) that the Proposed Mosque would be the third house of worship located at the intersection of Parsons Boulevard, 46th Avenue, and Holly Avenue, and, as such, that the Proposed Mosque would further congest an already overburdened intersection and constitute a traffic hazard; and

WHEREAS, the application is brought on behalf of the Masjid-e-Noor Mosque; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Parsons Boulevard, 46th Avenue, and Holly Avenue, in Queens; and

WHEREAS, the site is an irregular trapezoidal shape; the site has approximately 70 feet of frontage along the south side of 46th Avenue and approximately 108 feet of frontage along the east side of Parsons Boulevard; the southernmost boundary of the site is approximately 22 feet long, and the easternmost boundary of the site is approximately 85 feet long; the site has a lot area of approximately 4,791 sq. ft.; and

WHEREAS, the Proposed Mosque, which will be a two-story with dome house of worship, shall contain 4,992 sq. ft. of floor area (1.04 FAR), 58-percent lot coverage, and have a total height of 33'-8" (exclusive of dome, the height of which shall be 45'-10"); the Proposed Mosque will have a street wall with a height of 30'-0" and the dome of the Proposed Mosque will penetrate the front sky exposure

plane as well as the rear yard setback, the site will have a front yard of 7'-0"; the applicant has sought a waiver of the parking spaces required at the site; and

WHEREAS, pursuant to ZR § 24-111, the maximum allowable floor area at the subject site is 2,395 sq. ft. (.5 FAR); pursuant to ZR § 24-30, a front yard of 15'-0" is required at the subject premises; pursuant to ZR § 24-521, the maximum permitted street wall height is 25'-0"; also pursuant to ZR § 24-521, the required front setback is 1 to 1, which, upon the waiver of the front yard requirement, is pierced by the dome of the Proposed Mosque; pursuant to ZR § 24-551 any portion of a building that is more than 35'-0" above a side yard shall be nearer to the side lot line bounding such yard than a distance equal to one-half the height above yard level of such portion of a building, necessitating a sky exposure plane which is pierced by the dome of the Proposed Mosque; pursuant to ZR § 25-30, 21 parking spaces are required at the site;6 and

WHEREAS, because the Proposed Mosque does not comply with the foregoing bulk regulations, the applicant seeks the requested variance; and

WHEREAS, the applicant states that the variance sought is necessary to meet its programmatic needs, specifically, to provide a permanent prayer space for adult men and women under the leadership of an Imam which complies with strict constraints on the manner and form in which prayer is to be practiced, including the separation of men and women and the location of ablution rooms with separate entrances; and

WHEREAS, the applicant states that the Proposed Mosque will serve approximately 420 adult worshipers who will participate in prayer services up to five (5) times per day; the applicant notes that worshipers can conduct daily prayer services at the Proposed Mosque or elsewhere, with the exception of the Juma Prayer (the Friday midday prayer), which must be conducted at the Proposed Mosque; the applicant states that during the holy month of Ramadan, the entire congregation will attend a nightly prayer (the Tawir Prayer) at the Proposed Mosque; and

WHEREAS, at hearing, the Board discussed the adequacy of the Proposed Mosque to accommodate the 420 adult congregants who will attend services therein; the applicant represents that, as per the New York City Construction Codes, occupancy for a mosque is calculated as five square feet per person, in recognition, the applicant maintains, of the mandate that congregants pray with shoulders and feet touching, regardless of the number of worshippers in attendance at any particular prayer service; the applicant states that, in light of the foregoing, the Proposed Mosque can accommodate all of its congregants even on the days on which the entirety of the congregation is in attendance; and

WHEREAS, the applicant states that in order to accommodate the above-discussed program, the Proposed Mosque must contain ablution rooms for both men and women, and that such rooms must be located below the floor containing prayer space and must have entrances separate from the entrances to the prayer spaces in the Proposed Mosque; the applicant states further that two floors of prayer space are required, one for men and one for women, each of which must accommodate 210 congregants; the applicant states further that the Proposed Mosque must also house mechanical rooms, bathrooms, office space, and storage, which are typical necessities and amenities for a house of worship; and

WHEREAS, the applicant notes that the applicant congregation elected not to hold religious classes for children at the site, because of special constraints; and

WHEREAS, the applicant states that size and configuration of the subject zoning lot precludes the congregation's ability to meet its programmatic needs by constructing a house of worship which complies with all applicable bulk regulations, and states further that without the waivers sought herein it could not construct the Proposed Mosque, which is the smallest building in which it can meet its programmatic needs; and

WHEREAS, the Board acknowledges that the congregation, as a religious institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational or religious institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of the application; and

WHEREAS, based on the above, the Board finds that the applicant's inability to meet its programmatic needs by developing the premises in compliance with the applicable zoning regulations at the subject site constitutes an unnecessary hardship and practical difficulty; and

WHEREAS, because the applicant congregation is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that, pursuant to ZR § 72-21(c), the variance, if granted, would not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, the applicant states that, as noted by the Opposition and the Board, the immediate neighborhood surrounding the site is characterized by its religious institutions; and

WHEREAS, specifically, the applicant notes that St. Mary's Nativity Roman Catholic Church, which includes a

6 The Board notes that since the time of this application, the Zoning Resolution has been amended and certain portions of certain provisions at issue herein have been revised. However, none of the revisions impact the waivers sought in this application or the Proposed Mosque.

church and rectory, sits directly across the street and to the west of the subject site; the applicant states that the church is a two-story structure approximately 50'-0" in height, with a spire that rises to approximately 80'-0" in height; the applicant states further that the rectory contains three stories and has a height of approximately 43'-0"; and

WHEREAS, the applicant notes caddy corner to the subject site is the St. Mary's Nativity convent and parochial school, a three-story with a height of approximately 35'-0"; and

WHEREAS, the applicant states that one block south of the subject site is a church owned by the Christian Believers Ministry, a three-story church which, the applicant states, has a height of approximately 39'-0"; and

WHEREAS, the applicant states that there are two additional churches located across 46th Avenue to the north of the site, and that each of those church structures have a height of approximately 35'-0"; and

WHEREAS, the applicant concludes that the height of the Proposed Mosque is consistent with the range of heights of neighborhood religious institutions, which vary from approximately 35'-0" to 50'-0"; and

WHEREAS, with respect to traffic impacts, the applicant represents that all of the congregants who will utilize the Proposed Mosque live within ¾ of a mile of the subject site; the applicant states that walking to and from prayer services is an act of faith and the practice of the majority of the congregants will be to walk to and from the Proposed Mosque; the applicant states further that congregants who do drive to and from prayer services will be instructed to vary their routes to and from the Proposed Mosque in order to alleviate any impact on traffic and vehicular congestion around the subject site, a mandate which, the applicant notes, is consistent with the religious requirement that congregants walk home on a different path than the one used to walk to the Proposed Mosque; and

WHEREAS, the applicant notes that the Proposed Mosque has several entrances on both Parsons Boulevard and 46th Avenue, and that congregants are able to access the cellar-level ablution rooms, first floor men's prayer room, and second floor women's prayer room from either of those streets; the applicant contends that having multiple entrances along both frontages will further disperse pedestrian traffic around the subject site; and

WHEREAS, with respect to pedestrian safety, a concern specifically raised by the Opposition, the applicant notes that pedestrians can approach the subject site from the north via sidewalks on either side of Parsons Boulevard and from the west via sidewalks on either side of Holly Avenue; the applicant also notes that traffic at the intersection of 46th Avenue and Parsons Boulevard is controlled by a traffic signal and that there are zebra-striped pedestrian crossings marked at all four approaches to the intersection; and

WHEREAS, by letter dated June 22, 2016, the applicant submitted supplemental photographs of the various approaches to the intersection at which the subject site is located; the applicant states, and the Board accepts, that the subject intersection, as evidenced by the photos submitted with the June 22, 2016, letter, is wide, and has stop lights and traffic markers requiring motorists to stop before the intersection's crosswalks; the applicant also notes that the intersection has adequate site lines in all directions; the applicant submits that because of the adequate visibility, traffic signals and wide intersection, the Opposition's concerns about traffic are misplaced and that the Proposed Mosque, like the other religious institutions at the subject intersection, does not pose a threat to public safety by virtue of any traffic directed thereto or therefrom; and

WHEREAS, with respect to the impact of the requested parking waiver on the neighborhood in which the subject site is located, the applicant referred the Board to a Parking Demand and Availability Study (the "Parking Study") prepared for the subject application; the Parking Study notes that for purposes of environmental review, the Proposed Mosque does not, by virtue of its size, require further assessment of transportation and is not expected to have a significant impact; the applicant referred the Parking Study to the Board when making its neighborhood character argument, noting that the Proposed Mosque is 58 percent smaller than the minimum size identified in the CEQR Technical Manual as having the potential for significant impacts related to transportation; the Parking Study concludes that while curbside parking is heavily utilized on the blocks immediately surrounding the subject site, a minimum of 83 open spaces were identified within a short walk thereof during periods of peak demand thus, in light of the applicant's representation that the congregants of the Proposed Mosque will, whenever possible, walk to attend prayer services, the applicant concludes that the proposed action would not create or significantly exacerbate parking shortfalls in the area surrounding the subject site; and

WHEREAS, based on the above, the Board agrees that the proposal will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states, per ZR § 72-21(d), that the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the applicant; and

WHEREAS, the applicant represents, consistent with ZR § 72-21(e), that the proposal requests the minimum variance needed to accommodate its current and projected programmatic needs; and

WHEREAS, in order to determine that the waivers associated with the Proposed Mosque constitute the minimum variance necessary to accommodate the applicant's programmatic needs, the applicant presented two alternative development scenarios to the Board, an as-of-right project (the "As-of-Right Mosque") and a lesser variance (the "Lesser Variance Mosque"), neither of which meet the programmatic needs of the congregation; and

WHEREAS, the Board notes, in response to comments made by the Opposition, that the applicant is not required to construct a residence on the subject site or sell the subject site to a developer or home owner who would do the same; and

WHEREAS, the applicant states that the As-of-Right

Mosque would contain 2,390 sq. ft. of floor area (.5 FAR), a 15 foot front yard along Parsons Boulevard, a 15 foot front yard along 46th Avenue, a 14'-6" side yard, and a 25'-0" street wall; the applicant states that the As-of-Right Mosque would eliminate over 50 percent of the floor area contained in the Proposed Mosque, eliminating required prayer space and ablution facilities; and

WHEREAS, the applicant notes that the As-of-Right Mosque would not obviate the need for the requested parking waiver, as the required parking would require 6,300 sq. ft. of lot area, which, the applicant notes, is larger than the subject site; and

WHEREAS, the applicant states that the Lesser Variance Mosque would contain 3,995 sq. ft. of floor area (.83 FAR), a 15 foot front yard along 46th Avenue, an 8'-0" side yard, and a 30'-0" street wall; and

WHEREAS, like the As-of-Right Mosque, the Lesser Variance Mosque would not obviate the need for the requested parking waiver, as the required parking would require 6,300 sq. ft. of lot area, which, the applicant notes, is larger than the subject site; and

WHEREAS, the applicant states that the Lesser Variance Mosque would result in a reduction of 40 percent of the floor area contained in the Proposed Mosque, eliminating required prayer space and ablution facilities, and would accommodate only 128 congregants; and

WHEREAS, conversely, the applicant states that the Proposed Mosque, the size of which it has endeavored to keep at a minimum, adequately meets its programmatic needs to provide a house of worship for the full congregation, including on holy days during which the entire congregation will be in attendance at the site; and

WHEREAS, accordingly, the Board finds that the proposal is the minimum necessary to allow the applicant to fulfill the programmatic needs of the Proposed Mosque; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, based on evidence in the record, including written submissions and testimony given at hearing, the Board finds that the all of the concerns articulated by the Opposition were either addressed by the applicant or are beyond the scope of the subject application; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15BSA045Q, dated July 8, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; Construction; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 to permit, in an R2 zoning district, the construction of a two-story, with dome, house of worship, contrary to ZR §§ 24-111, 24-30, 24-521, 24-551, and 25-30; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 24, 2016" — Twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a two-story, with dome, building with a maximum floor area of 4,992 sq. ft. (1.04 FAR), 58-percent lot coverage, with a total height of 33'-8" (exclusive of dome, the height of which shall be 45'-10"), the Proposed Mosque will have a street wall with a height of 30'-0" and the dome of the Proposed Mosque will penetrate the front sky exposure plane as well as the rear yard setback, the site will have a front yard of 7'-0", as illustrated on the BSA-approved plans;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

64-15-BZ
CEQR #15-BSA-181M

APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.

SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.

PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4

Negative:.....0

Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated February 26, 2015, acting on Department of Buildings Application No. 121192645, reads in pertinent part:

1. ZR 42-10 and ZR 72-20: Applicant proposes to convert existing manufacturing use to residential use in an M1-5 district, contrary to ZR 42-10. Requires a use variance from the Board of Standards and Appeals pursuant to ZR 72-20; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-5 zoning district, the conversion of a six-story manufacturing building into a six-unit residential building (Use Group 2), with two parking spaces, which does not comply with the applicable use regulations, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application February 2, 2016, after due notice by publication in the *City Record*, with continued hearings on April 5, 2016, May 17, 2016 and June 28, 2016, and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommended disapproval of the application; and

WHEREAS, the subject site is located on the northern side of Clarkson Street, between Greenwich Street and Hudson Street, within an M1-5 zoning district, in Manhattan; the site has approximately 50 feet of frontage along Clarkson Street, and a depth of approximately 100 feet, with a lot area of approximately 5,010 sq. ft.; and

WHEREAS, the site is occupied by a six-story manufacturing building which was constructed in 1919 (the "Building"); the Building covers the entirety of the subject lot, save an open area of 217 sq. ft. at the site's northeast corner, and contains 28,776 sq. ft. of floor area (5.74 FAR); the applicant states that the Building has floor plates of 4,796 sq. ft., divided by a grid of eleven (11) structural support columns which are spaced approximately 16'-0" apart; and

WHEREAS, the applicant notes that the Building contains 3,696 sq. ft. more floor area than the 25,080 sq. ft. (5.0 FAR) which would be permitted as-of-right for a new building on the site; and

WHEREAS, the applicant initially proposed to convert the Building for residential use as an eight-unit Use Group 2 residential building, and maintain the Building's existing FAR of 5.74; and

WHEREAS, in response to concerns articulated by the Board, the applicant modified the proposal, such that the applicant now proposes to convert the Building to a Use Group 2 residential building with 25,080 sq. ft. of floor area (5.0 FAR), a lot coverage of 70 percent, a 30'-0" rear yard, a maximum front wall height of 75'-0" with an initial setback distance of 20'-0", a maximum front wall height of 75'-0" and a maximum building height of 118'-10", with six dwelling units, two parking spaces and two street trees (the "Proposed Conversion"); and

WHEREAS, the applicant states that in order to effect the Proposed Conversion, and maintain an FAR of 5.0 as well as the 30'-0" rear yard necessary to provide quality light and air to the proposed residential units, it must (1) remove 8,158 sq. ft. of floor area from the rear of the Building, 6,571 sq. ft. of which will be reallocated above the Building's existing roof to create the Proposed Conversion's seventh through ninth stories; (2) remove additional floor area from the existing Building by creating double-height spaces on the first through fifth floors; and (3) deduct ground floor space used for a parking structure; and

WHEREAS, the applicant also proposes to remove the two loading berths and awning on the façade of the Building; and

WHEREAS, in order to convert the building to the proposed use, the applicant seeks a waiver of ZR § 42-10; and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the Building is obsolete in that it cannot be used for manufacturing uses, or other uses which are permitted as-of-right; and

WHEREAS, the applicant states that the Building is the only remaining factory in the subject zoning district, and also the only building in the subject zoning district on a lot of less than 30,000 sq. ft. that contains a use classified by the Zoning Resolution as a "manufacturing" use; the applicant also notes that the only other active manufacturing use within a 400' radius of the subject site is the FedEx Ship Center, which is listed as a trucking terminal (Use Group 17), does not contain any production factories, and is on a site which contains 33,317 sq. ft. of lot area; the applicant notes further that the Fed Ex Ship Center was constructed in the year 2,000, has frontage on four streets and has floor plates which are approximately 6.6 times the size of the Building's floor plates; and

WHEREAS, the foregoing was supported by a uniqueness study, dated June 28, 2016 (the "Uniqueness Study"), which was reviewed by the Board; and

WHEREAS, the applicant also argues that, in addition to the relatively small size of the site and Building, both of which, the applicant maintains, render the Building obsolete for its manufacturing purpose, the following conditions impact its ability to earn a reasonable return from a manufacturing use within the Building: (1) as noted, the applicant states that the Building's floor plates are divided by a grid of eleven (11) large structural support columns spaced approximately 16'-0" apart, which, the applicant maintains, limits the operational efficiency of the floor area within the Building; (2) the Building's plumbing, electrical, and HVAC systems are outdated and in need of replacement in order to accommodate a new manufacturing use; and (3) the Building's single freight elevator is mechanically outdated and is located in the center of

the Building, further reducing the efficiency of its floor plates for manufacturing uses and hindering production; (4) the floor-to-ceiling heights are 10'-5" on floors two through six, which is below industry standards and limits the type of equipment that can be utilized on those floors; (5) the loading docks on Clarkson Street are each 10'-0" wide and allow only for street loading, which is insufficient for a manufacturing use; and

WHEREAS, the applicant also notes that the history of the use of the Building demonstrates that it is obsolete for the manufacturing purpose for which it was constructed; specifically, the applicant states that the Building was historically used for match production and seed processing; the applicant states that the current occupant of the Building, a chocolate specialty company (the "Chocolate Factory"), began using the Building as a factory in 1998; and

WHEREAS, the applicant submitted letters from Jeff Alexander, co-owner of the Chocolate Factory, dated October 9, 2015 and December 17, 2015, in which Mr. Alexander avers that the Chocolate Factory has experienced significant production and growth limitations, which have necessitated increased costs, because of the structural and mechanical issues outlined above; and

WHEREAS, Mr. Alexander states that, because of the limitations of the Building, specifically its layout, size, location, and condition, the Chocolate Factory cannot operate in therein, and is relocating to a larger facility which will allow for a more efficient operation; Mr. Alexander also stated that when the Chocolate Factory marketed the Building for sale, no credible offers were received from potential buyers known by Mr. Alexander to be interested in renovating the Building for a manufacturing use; and

WHEREAS, the applicant notes that many of the same conditions which preclude its ability to earn a reasonable return from a manufacturing use within the Building also preclude its ability to earn a reasonable return from other conforming uses within the Building; specifically, the applicant states that the small floor plates of the Building are substantially smaller than floor plates within the subject zoning district, as well as the adjacent Special Hudson Square District; the applicant states that the Uniqueness Study reveals that within a 29-block area including the subject zoning district and the Special Hudson Square District, there are 143 sites which have a lot area of 15,000 sq. ft. or less, contain one or more buildings with floor plates of 10,000 sq. ft. or less, or contain primarily conforming commercial or manufacturing uses; the applicant states further that of those sites, only 15 sites, including the subject site, have all three of these characteristics, and that only one of those 15 sites, other than the subject site, is located in the subject M1-5 zoning district, and that such site has nine stories, has an FAR of 9.0 and has floor plates which are approximately 55% larger than the floor plates in the subject Building; and

WHEREAS, based upon the above, the Board finds that the obsolescence of the subject Building and inability to use the subject Building for a conforming use creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided the Board with an analysis of three development scenarios, a conforming conversion (the "Conforming Conversion"), which contemplates a conversion of the Building to an as-of-right commercial office use above a ground floor retail use; a minimum conforming conversion (the "Minimum Conforming Conversion"), which contemplates a conversion of the Building to an as-of-right commercial office use above a ground floor retail use, but only entails the minimum amount of work required by law to convert the Building from its existing manufacturing use to a new as-or-right office use, and the Proposed Conversion; and

WHEREAS, the applicant's consultant prepared cost estimates for the Conforming Conversion, Minimum Conforming Conversion, and Proposed Conversion (copies of the consultant's cost estimate reports for each development scenarios were submitted to and reviewed by the Board); the applicant represents, as stated in the cost estimate reports, the hard construction costs of the Minimum Conforming Conversion would be $4,041,851, the hard construction costs of the Conforming Conversion would be $5,025,281, and the hard construction costs of the Proposed Conversion would be $13,463,928; based on the foregoing estimates, and a report prepared by the applicant's financial consultant (the "Financial Analysis") the applicant represents that absent the relief sought herein, it would not be possible to earn a reasonable return on investment on the subject site; and

WHEREAS, the Financial Analysis uses the capitalization of income method to determine the value of the Building under both the Conforming Conversion and the Minimum Conforming Conversion, using a 7% capitalization rate; and

WHEREAS, the Financial Analysis concludes that for the Conforming Conversion, the net operating income would be $1,062,000, for a capitalized value of $15,171,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $21,943,000, such that Conforming Conversion would result in a loss of $6,772,000; and

WHEREAS, the Financial Analysis concludes that for the Minimum Conforming Conversion, the net operating income would be $874,000, for a capitalized value of $12,486,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $20,551,000, such that Minimum Conforming Conversion would result in a loss of $8,065,000; and

WHEREAS, the Financial Analysis concludes that the Proposed Conversion has a capitalized net value of $40,679,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $32,275,000, such that Proposed Conversion would result in an annualized return on total investment of 7.68 percent; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the Proposed Conversion will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant submitted a land use map showing that there are many residential uses within the vicinity of the Building, including the buildings immediately adjacent to the subject site, which, the applicant states, were converted to residential use; the applicant states that there are currently 193 dwelling units on the same tax block as the Building, as well as numerous residential and mixed-use buildings (which include residential uses) one block north of the subject site; and

WHEREAS, the applicant also states that the commercial uses on the subject block, and adjacent blocks, are predominately offices uses that will not be adversely affected by the Proposed Conversion; and

WHEREAS, the applicant also argues that the reconfiguration of the Building, specifically the reallocation of floor area to create three new stories above the Building's existing roof, will not alter the character of the neighborhood; the applicant notes that such floor area will be set back 20'-0" from the street line of Clarkson Street, and will be within the sky exposure plane applicable to permitted buildings in the subject zoning district; and

WHEREAS, the applicant notes that the uses of the proposed development will be consistent with, and will enhance those of the surrounding neighborhood in that the ground floor retail use will be similar to that of most building along Avenue of the Americas and the surrounding area and that the upper-floor residential use of the proposed buildings will be consistent with the neighborhood's trend toward new residential development; and

WHEREAS, the applicant also states that the 5.0 FAR of the Proposed Conversion, which is the maximum FAR permitted in the M1-5 zoning district, as well as the height of the proposed nine-story building, is consistent with the surrounding neighborhood; and

WHEREAS, the applicant provided a study of building heights in the neighborhood surrounding the site, which the Board reviewed; the applicant notes that there are several buildings of nine stories or more within a 400'-0" radius of the subject site, and that buildings of nine and ten stories are predominant in the area between Greenwich Street and Hudson Street; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the obsolescence of the Building for a manufacturing or other as-or-right use; and

WHEREAS, with respect to ZR § 72-21(e), the Board notes that the Proposed Conversion constitutes the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 15BSA181M, dated October 25, 2016 and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Landmarks Preservation Commission's Environmental Review of the proposal indicated that the site has no architectural significance and no archaeological significance;

WHEREAS, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials and determined that a Phase II Investigation is necessary; and

WHEREAS, the site is currently occupied by an active commercial use with nearly full lot coverage; and

WHEREAS, the Board notes that an "E" designation (E-391) for hazardous materials has been placed on the subject site; and

WHEREAS, the "E" designation requires an environmental review by the New York City Office of Environmental Remediation ("OER") which must be satisfied before DOB will issue building permits at the subject site; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within an M1-5 zoning district, the conversion of a six-story manufacturing building into a six-unit residential building (Use Group 2), with two parking spaces, which does not comply with the applicable use regulations, contrary to ZR § 42-10;*on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "July 22, 2016"–Twenty (20) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: 25,080 sq. ft. of floor area (5.0 FAR), a lot coverage of 70 percent, a 30'-0" rear yard, a maximum front wall height of 75'-0" with an initial setback distance of 20'-0", a maximum front wall height of 75'-0" and a maximum

building height of 118'-10", with six dwelling units, two parking spaces and two street trees;

THAT prior to DOB's issuance of a Certificate of Occupancy, OER must issue a Notice of No Objection or a Notice of Satisfaction;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

221-15-BZ
CEQR #16-BSA-030K

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 55 Washington Street, LLC, owner; Equinox 55 Washington, Inc., lessee.

SUBJECT – Application September 14, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*Equinox*) within an existing nine story commercial building. M1-2/R8A(MX-2) zoning district.

PREMISES AFFECTED – 41/55 Washington Street, (aka 28/56 Adams Street, 97/119 Front Street, Block 38, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4

Negative:.....0

Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 12, 2015, acting on Department of Buildings Application No. 3000088, reads in pertinent part:

> "Proposed physical culture establishment in an M1-2/R8A (MX-2) zoning district is contrary to Zoning Resolution section 123-20 ZR and must be referred to the BSA"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in an M1-2/R8A zoning district, an MX-2 Special Mixed Use District and the DUMBO Historic District, the operation of a physical culture establishment (PCE) in a nine-story commercial building contrary to ZR § 123-20; and

WHEREAS, a public hearing was held on this application on June 28, 2016, after due notice by publication in *The City Record*, and then to decision on August 2, 2016; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is an entire city block bound by Washington Street to the west, Adams Street to the east, Water Street to the north and Front Street to the south, in an M1-2/R8A zoning district, an MX-2 Special Mixed Use District and the DUMBO Historic District, in Brooklyn; and

WHEREAS, the site has approximately 200 feet of frontage along Washington Street, 232 feet of frontage along Front Street, 212 feet of frontage along Adams Street, 181 feet of frontage along Water Street, 48,503 sq. ft. of lot area and is occupied by a nine-story commercial building; and

WHEREAS, the subject PCE will occupy 1,640 sq. ft. of floor area on the first floor consisting of the shared elevator lobby fronting Washington Street and a PCE-dedicated entry and café at Front Street, and 22,166 sq. ft. of floor area on the second floor containing the reception area, locker rooms, cardiovascular equipment areas, weight training areas, group fitness studios and Pilates and cycling studios (a total of 23,806 sq. ft. of floor area in the building); and

WHEREAS, the PCE will be operated as Equinox Fitness; and

WHEREAS, the PCE's proposed hours of operation are: Monday through Friday 5:00 a.m. to 11:30 p.m. and Saturday through Sunday 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the New York City Landmarks Preservation Commission (LPC) issued Certificate of Appropriateness No. COFA 17-9831, expiring October 27, 2021, for alterations associated with this application, including exterior alterations at the Front Street façade, and exterior signage; and

WHEREAS, the applicant has provided the Board with plans representing that an approved interior fire alarm system connected to a Fire Department approved central station and automatic wet sprinklers shall be installed throughout the entire PCE space; and

WHEREAS, the Fire Department, by letter dated June 24, 2016, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is

outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment (EAS) CEQR No. 16BSA030K, dated June 7, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Public Health; Neighborhood Character; and Construction; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an M1-2/R8A zoning district, an MX-2 Special Mixed Use District and the DUMBO Historic District, the operation of a physical culture establishment (PCE) in a nine-story commercial building contrary to ZR § 123-20; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 15, 2016" - Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on August 2, 2026;

THAT the hours of operation shall be Monday through Friday 5:00 a.m. to 11:30 p.m. and Saturday through Sunday 7:00 a.m. to 9:00 p.m.;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT noise attenuation shall be provided in the PCE space to ensure that the sound level in other portions of the building, including sound emanating from any sound system, if installed, does not exceed 45 dBA;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained by August 2, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

251-15-BZ
CEQR #16-BSA-047M

APPLICANT – Law Office of Fredrick A. Becker, for JAR Realty Company, LP, owner; Naturopathica Holistic Health, Inc., lessee.

SUBJECT – Application November 2, 2015 – Special Permit (73-36) to allow the operation of a physical culture establishment (*Naturopathica Holistic Health*) spa in a portion of the first floor at the subject premises. M1-6 zoning district.

PREMISES AFFECTED – 127 West 26th Street, Block 802, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated October 6, 2015, acting on Department of Buildings Application No. 122541017, reads in pertinent part:

> "The proposed physical culture establishment/spa in zoning district M1-6 is not a permitted use as of right. A special permit is required from the Board of Standards and Appeals as per Sections 42-31 and 73-36 of the Zoning Resolution"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site located in an M1-6 zoning district, the operation of a physical culture establishment (PCE) on the ground floor of a twelve-story mixed use commercial and residential building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on June 21, 2016, after due notice by publication in *The City Record*, with continued a hearing on July 12, 2016 and then to decision on August 2, 2016; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the north side of West 26th Street, between 7th Avenue and Avenue of the Americas, in an M1-6 zoning district, in Manhattan; and

WHEREAS, the site has approximately 88 feet of frontage along West 26th Street, depth of 99 feet, 8,641 sq. ft. of lot area, and is occupied by a twelve-story mixed use commercial and residential building, which has commercial uses on the first through tenth floors and residential uses on floors eleven and twelve; and

WHEREAS, the subject PCE occupies 2,637 sq. ft. of floor area on the first floor of the existing building and is accessible directly from street level; and

WHEREAS, the PCE is operated as Naturopathica Holistic Health, provides massages by New York State-licensed masseuses, and has been in operation since December 1, 2015; and

WHEREAS, the PCE's hours of operation are Monday to Sunday 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the PCE space will include individual treatment rooms, restrooms, a locker room, office space, and a lounge for patrons; and

WHEREAS, the applicant submits that sound attenuation measures have not been installed in the PCE use because no adverse noise affects are anticipated; the proposed use is quiet and buffered from residential uses in the building by nine additional floors of commercial occupants; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated June 16, 2016, the Fire Department states that a sprinkler system and internal fire alarm system are installed throughout the PCE space and are operational and that the sprinkler system has been inspected and approved; and

WHEREAS, the Fire Department further states that it has no objection to this application subject to the applicant immediately filing for an inspection of the internal fire alarm system; and

WHEREAS, accordingly, the applicant has submitted to the Board its request for inspection of its manual and automatic smoke and heat detection, sprinkler and fire alarm systems to the Bureau of Fire Prevention Fire Alarm Inspection Unit and the Board notes that such inspection has been scheduled; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board additionally finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the terms of this grant has been reduced to reflect the period of time that the PCE has operated without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA047M, dated October 21, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to legalize, on a site located in an M1-6 zoning district, the operation of a physical culture establishment (PCE) on the ground floor of a twelve-story mixed use commercial and residential building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Receiver May 12, 2016—Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 1, 2025;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

56-02-BZ

APPLICANT – NYC Board of Standards and Appeals.

SUBJECT – Application June 21, 2016 – Compliance

Hearing of a previously approved Variance (§72-21) which permitted the construction of a four-story plus cellar school, which created non-compliances with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to ZR §24-11, §24-34, §24-35, §24-36 and §24-521. R5 zoning district.
PREMISES AFFECTED – 317 Dahill Road, Block 5369, Lot(s) 82, 83, 84 and 85 (tentative Lot 82), Borough of Brooklyn.
COMMUNITY BOARD #12BK
ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

176-14-BZ
APPLICANT – Harold Weinberg, for Habib Jaradeh, owner.
SUBJECT – Application July 24, 2014 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family home contrary to floor area, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R5-OP zoning district.
PREMISES AFFECTED – 1981 East 9th Street, Block 7091, Lot 66, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
Absent: Commissioner Chanda.....1
ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M. for decision, hearing closed.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

2016-1210-BZ
APPLICANT – Philip L. Rampulla, for Hylan Ross, LLC, owner; KTN Hylan, LLC, lessee.
SUBJECT – Application January 14, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Retro Fitness*) on the second floor of an existing commercial building. C4-1 zoning district.
PREMISES AFFECTED – 2590 Hylan Boulevard, Block 3969, Lot 57, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for deferred decision.

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 2, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.
Absent: Commissioner Chanda.

ZONING CALENDAR

170-15-BZ
CEQR #16-BSA-010M
APPLICANT – Law Office of Fredrick A. Becker, for Whistle Pig Associates, Inc., owner; Exhale Enterprises LLC, lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*Exhale Spa*) to be operated within an existing building. M1-5B zoning district.
PREMISES AFFECTED – 59 Thompson Street, Block 489, Lot 36, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4
Negative:.....0
Absent: Commissioner Chanda.....1
THE RESOLUTION –
WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 21, 2015, acting on Department

of Buildings Application No. 122486238, reads in pertinent part:

> Proposed change of use to a physical cultural establishment as defined by ZR 12-10 is contrary to ZR 42-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within an M1-5B zoning district, the operation of a physical culture establishment (PCE) in the cellar of a six-story with cellar mixed-use building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on August 2, 2016 after due notice by publication in *The City Record*, and then to decision August 2, 2016; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site has 40 feet of frontage along the west side of Thompson Street, between Spring Street and Broome Street; the site has a depth of approximately 100 feet, and contains approximately 4,000 sq. ft. of lot area; the site is occupied by a six-story with cellar mixed-use building; and

WHEREAS, the proposed PCE shall contain 2,919 sq. ft. of floor space, including 374 sq. ft. of floor on the first floor the subject building (the PCE lobby) and 2,545 sq. ft. of floor space at the cellar level of the building; and

WHEREAS, the applicant represents that handicapped access to the PCE space is achievable at grade directly from the street into the PCE lobby, with elevator access to the space below; and

WHEREAS, the PCE shall operate as Exhale Enterprises LLC, d/b/a Exhale; and

WHEREAS, the PCE's hours of operation shall be: Monday through Friday, 7:00 a.m. to 10:00 p.m., and on Saturday and Sunday, 8:00 a.m. to 5:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated July 27, 2016, the Fire Department states that it has no objection to the proposed PCE; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA010M, dated July 29, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located within an M1-5B zoning district, the operation of a physical culture establishment (PCE) in the cellar of a six-story with cellar mixed-use building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 23, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on August 2, 2026;

THAT there will be no change in ownership or control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the hours of operation for the PCE shall be Monday through Friday, 7:00 a.m. to 10:00 p.m., and on Saturday and Sunday, 8:00 a.m. to 5:00 p.m.;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

4-15-BZ

APPLICANT – Sheldon Lobel, P.C., for Bais Chaya Esther Inc., owner.

SUBJECT – Application January 9, 2015 – Variance (§72-21) to permit the conversion of the existing building at the premises from residential to community facility use.

PREMISES AFFECTED – 119 Webster Avenue, block 5416, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

94-15-BZ

APPLICANT – Issa Khorasanchi, for Gregory Tulston, owner; Aldivent, Inc., lessee.

SUBJECT – Application April 28, 2015 – Special Permit (§73-36) to allow the construction of LA Fitness (*UFC Gym*) on the first floor of this commercial building. C8-1 zoning district.
PREMISES AFFECTED – 16 Brighton 11th Street, Block 8707, Lot 375, Borough of Brooklyn.
COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

225-15-BZ
APPLICANT – Friedman & Gotbaum LLP, for The Allen-Stevenson School, owner.
SUBJECT – Application September 25, 2015 – Variance (§72-21), with respect to height and setback regulations, to permit the enlargement of The Allen-Stevenson School, a nonprofit private kindergarten through Grade 9 school for boys. C1-8X, R8-B/LH-1A zoning district.
PREMISES AFFECTED – 126-134 East 78th Street (a/k/a 121-123 East 77th Street), Block 1412, Lot 58, Borough of Manhattan.
COMMUNITY BOARD #8M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
Absent: Commissioner Chanda.....1

ACTION OF THE BOARD – Laid over to August 16, 2016, at 10 A.M. for decision, hearing closed.

269-15-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mousa Bukai and Touna Fteha, owners.
SUBJECT – Application December 8, 2015 – Special Permit (§73-622) for the conversion and enlargement of an existing two-family home to a single family residence. R5 (OP) zoning district.
PREMISES AFFECTED – 2076 Ocean Parkway, Block 7108, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

2016-4134-BZ
APPLICANT – Akerman LLP for St. Anastasia's Roman Catholic Church, owner; Divine Wisdom Catholic Academy, lessee.
SUBJECT – Application March 11, 2016 – Variance (§72-21) to permit the enlargement of a conforming school (UG 3) (Devine Wisdom Catholic Academy) contrary to ZR §24-111 (Floor Area Ratio). R2-A zoning district.
PREMISES AFFECTED – 45-11 245th Street, Block 8195, Lot(s)1, 8, 16, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4234-A
139-18 Atlantic Avenue, , Block 10006, Lot(s) 8, Borough of **Queens, Community Board: 12**. Proposed three-story two and cellar residential development which is within the unbuilt portion of the mapped street, contrary to General City Law 35. R5

2016-4235-A
139-22 Atlantic Avenue, , Block 10006, Lot(s) 9, Borough of **Queens, Community Board: 12**. Proposed three-story two and cellar residential development which is within the unbuilt portion of the mapped street, contrary to General City Law 35. R5

2016-4236-BZ
158 Duane Street, located on the southeast corner of Duane and Hudson Streets, Block 00144, Lot(s) 1, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) to operate a physical culture establishment (YogaSpark)in the ground floor and cellar of an existing mixed use residential and commercial building. C6-2A (TMU) zoning district within the Tribeca West Historic District.

2016-4237-BZ
240 Smith Street, located on the norheast corner of intersection of Smith Street and Douglass Street, Block 00408, Lot(s) 41, Borough of **Brooklyn, Community Board: 6**. Special Permit (§73-36) to operate a physical culture establishment (Crunch) within a new commercial building. C2-4/R6B zoning district.

2016-4238-BZ
388 Broadway, located on Broadway, 110.91 feet southwest of the intersection formed by Broadway and Walker Street, Block 00195, Lot(s) 3, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) to operate a physical culture establishment (Eden Day Spa) within an existing building. C6-2A zoning district within the Tribeca East Historic District.

2016-4239-BZ
180 Madison Avenue, located on the northeast corner of the intersection formed by Mansion and Whitman Avenues, Block 05207, Lot(s) 28, Borough of **Staten Island, Community Board: 3**. Special Permit (§73-242) to allow an existing building to be operated as an eating and drinking establishments (Use Group 6), contrary to use regulations (§32-15). C3A (SRD) zoning district.

2016-4240-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
SEPTEMBER 20, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 20, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

949-57-BZ
APPLICANT – Akerman, LLP, for Pelham Bridges Realties, LLC, owner; NY Dealers Stations, LLC, owner.
SUBJECT – Application July 7, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on October 29, 2014; Waiver of the Rules. R5D zoning district.
PREMISES AFFECTED – 2100 Williamsbridge Avenue, Block 4310, Lot 30, Borough of Bronx.
COMMUNITY BOARD #11BX

94-58-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Alliance Energy LLC, owner; Nor-East S/S/ Inc., lessee.
SUBJECT – Application November 19, 2015 – Extension of Term (11-411) to permit the continued use of a previously approved Automotive Service Station (UG 16B) which expired on September 30, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 25-65 Brooklyn Queens Expressway, Block 1046, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q

214-00-BZ
APPLICANT – Sheldon Lobel, P.C., for Zaliv, LLC, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Special Permit (73-242) which permitted the operation of an eating and drinking establishment (UG 6) which expired on November 16, 2015; Extension of Time to Obtain a Certificate of Occupancy which expired on March 20, 2013; Waiver of the Rules. C3 zoning district.
PREMISES AFFECTED – 2761 Plumb 2nd Street, Block 8841, Lot 500, Borough of Brooklyn.
COMMUNITY BOARD #15BK

235-01-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 2009 Mermaid, LLC, owner.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-27) permitting the operation of funeral establishment (UG 7) which expired on May 12, 2014; Waiver of the Rules. C1-2/R5 zoning district.
PREMISES AFFECTED – 2009 Mermaid Avenue, Block 7018, Lot 42, Borough of Brooklyn.
COMMUNITY BOARD #13BK

APPEALS CALENDAR

68-15-A
APPLICANT – Pryor Cashman, LLP for 230 West 97th Street, LLC, owner.
SUBJECT – Application March 27, 2015 – Variance pursuant to Section 310 of the NYSMDL to allow the 2,708 square foot penthouse enlargement to a non-fireproof Old law Tenement building contrary to the height regulations. C4-6AEc-3 zoning district.
PREMISES AFFECTED – 230 West 97th Street, Block 1868, Lot 44, Borough of Manhattan.
COMMUNITY BOARD #7M

REGULAR MEETING
SEPTEMBER 20, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 20, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

168-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Bushwack 7 LLC, owner.
SUBJECT – Application July 28, 2015 – Variance (§72-21) to permit the development of a four-story commercial building contrary to height, setback and parking requirements. M1-1 zoning district.
PREMISES AFFECTED – 58 Grattan Street, Block 3008, Lot 15, Borough of Brooklyn.
COMMUNITY BOARD #1BK

276-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 399 Knickerbocker LLC, owner; Blink Knickerbocker Avenue, Inc., lessee.
SUBJECT – Application December 24, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a portion of an existing commercial building. C4-3 zoning district.
PREMISES AFFECTED – 399 Knickerbocker Avenue, Block 3269, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #4BK

2016-1211-BZ

APPLICANT – Eric Palatnik, P.C. for Albert Hasson, owner.

SUBJECT – Application January 19, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141(b)). R3-1 zoning district.

PREMISES AFFECTED – 920 Shore Boulevard, Block 8746, Lot 107, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, AUGUST 16, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

104-05-BZ
APPLICANT – Davidoff Hutcher & Citron, LLLP, for 275 Park Associates LLC, owner; Park Avenue Health Club, LLC, owner.
SUBJECT – Application November 24, 2015 – Extension of Term of a previously approved Special Permit (73-36) permitting the operation of a physical culture establishment which expired on October 25, 2015. M1-2 zoning district.
PREMISES AFFECTED – 255-275 Park Avenue, Block 1874, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a special permit for a physical culture establishment (PCE) previously granted by the Board, which expired on October 25, 2015; and

WHEREAS, a public hearing was held on this application on August 16, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application on condition that the term be limited to five (5) years and that the approved hours of operation be amended; and

WHEREAS, the subject site is located on the north side of Park Avenue, between Waverly Avenue and Washington Avenue, in an M1-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 204 feet of frontage along Park Avenue, 177 feet of frontage along Waverly Avenue, 224 feet of frontage along Washington Avenue, total lot area of 36,720 sq. ft. and is occupied by a seven-story mixed-use residential and commercial building; and

WHEREAS, the subject PCE occupies 9,700 sq. ft. of floor area on the first floor of the existing building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 17, 1983 when, under BSA Cal. No. 482-82-BZ, the Board granted a variance, pursuant to ZR § 72-21, to permit the consolidation of several factory buildings on the premises into a single mixed-use development and the erection of a penthouse enlargement; and

WHEREAS, on August 7, 1984, under BSA Cal. No. 482-82-BZ, the Board reopened the previously granted variance to allow an extension of time complete construction; and

WHEREAS, on April 30, 1985, under BSA Cal. No. 287-84-BZ, the Board granted a new variance at the site, pursuant to ZR § 72-21, permitting an increase in the proposed number of dwelling units from 82 to 125; and

WHEREAS, on June 27, 1995, under BSA Cal. No. 287-84-BZ, the Board reopened the variance for an amendment eliminating two dwelling units at the penthouse level, reducing the number of dwelling units in the mixed-used development to 123; and

WHEREAS, on October 25, 2005, under the subject calendar number, the Board granted a special permit, pursuant to ZR §§ 73-36 and 73-03, permitting the subject PCE for a term of 10 years, expiring October 25, 2015, subject to conditions, *inter alia*, that the hours of operation be 6:00 a.m. to Midnight, seven days a week; and

WHEREAS, the applicant seeks an extension of the term of the special permit for an additional ten (10) years; and

WHEREAS, the applicant notes that it does not seek any change to the hours of operation previously approved by the Board or the amount of space the PCE occupies at the site, which has remained the same since the Board's original grant of the special permit for the subject PCE use in 2005; and

WHEREAS, though the PCE does not ordinarily operate until midnight seven days a week, it requests the flexibility to remain open until that hour in order to accommodate special events held at the facility; and

WHEREAS, Community Board 2 has expressed concerns regarding the length of the term of the grant and the PCE's hours of operations because of a series of parties held at the subject PCE more than two years ago that lasted into the wee hours of the morning, with a large number of patrons congregating outdoors and smoking within the facility; and

WHEREAS, the applicant states, in response, that the facility was under different management at that time and that the facility has not received any noise complaints since; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 25, 2005, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of ten (10) years, expiring October 25, 2025, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received July 1, 2016'-Six (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from October 25, 2015, expiring October 25, 2025;

THAT the hours of operation shall be limited 6:00 a.m. to Midnight, seven days a week;

THAT operating in excess of the above-stated and approved hours of operation can result in the revocation of this grant;

THAT no smoking shall be allowed within the PCE space and signs to this effect shall be installed on the premises;

THAT there shall be no congregating of patrons around the exterior of the building and signs to this effect shall be installed at the premises;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 16, 2016.

4-11-BZ

APPLICANT – Law Office of Lyra J. Altman, for 1747 East 2nd Street, LLC, by Jack Elbaz, owner.

SUBJECT – Application May 9, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a three-story synagogue, contrary to bulk regulations which expired on September 13, 2015; Waiver of the Rules. R5 (OP) zoning district.

PREMISES AFFECTED – 1747-1751 East 2nd Street (aka 389 Quentin Road), Block 6634, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to complete construction pursuant to a variance, previously granted by the Board pursuant to ZR § 72-21, permitting the construction of a three-story synagogue that does not comply with the bulk regulations of a site located within an R5 zoning district, in the Special Ocean Parkway Sub-District; and

WHEREAS, a public hearing was held on August 16, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northeast corner of the intersection of East 2nd Street and Quentin Road, in an R5 zoning district, in the Special Ocean Parkway Sub-District, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along East 2nd Street, 100 feet of frontage along Quentin Road, 4,000 sq. ft. of lot area and is vacant; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 13, 2011 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 permitting the construction of a three-story synagogue (Use Group 4) contrary to the underlying zoning district regulations for floor area, lot coverage, height and setback, sky exposure plane, front yard, side yards, and parking for community facilities, contrary to ZR §§ 113-51, 24-11, 113-55, 113-542, 113-11, 25-18, 25-31 and 113-561, with a maximum floor area of 8,748 sq. ft. (2.19 FAR), maximum lot coverage of 84 percent, maximum wall height of 32'-0" along the East 2nd Street frontage and 39'-0" along the Quentin Road frontage, maximum total height of 48'-0" a front yard with a minimum depth of 14'-0" along East 2nd Street, a front yard with a minimum depth of 1'-0" along Quentin Road, encroachment into the sky exposure plane, and no parking spaces; and

WHEREAS, construction was to have been substantially completed by September 13, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that, though the structure existing on the site at the time of the variance grant was demolished, no other work has been completed at the site due to fundraising delays; and

WHEREAS, the applicant represents that it now has access to all of the funds necessary to complete construction of the subject project and seeks a four (4) year extension of time to complete construction; and

WHEREAS, the applicant further requests a waiver of Board Rule of Practice and Procedure § 1-07.3(c)(2) to permit the filing of this application less than two (2) years after the expiration of the time to complete construction; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated September 13, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to September 13, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by September 13, 2019;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 16, 2016.

1129-64-BZ

APPLICANT – Davidoff Hutcher & Citron, LLP, for 147-36 Brookville Boulevard Corp., owner.

SUBJECT – Application January 11, 2016 – Extension of Term of a previously approved Variance (72-21) permitting the operation of an Auto Supplies Sales Establishment (UG 6) which expired on June 10, 2015; Amendment to legalize interior layout changes, permit general Use Group 6 Use and eliminate the term of the variance; Waiver of the Rules. R3-2 zoning district.

PREMISES AFFECTED – 147-36 Brookville Boulevard, Block 13729, Lot(s) 30, 33, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

327-88-BZ

APPLICANT – Eric Palatnik, P.C., for George Hui, owner.

SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.

PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.

COMMUNITY BOARD #7Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for decision, hearing closed.

201-97-BZ

APPLICANT – Eric Palatnik, P.C., for Monroe Queens-Rockaway, LLC, owner.

SUBJECT – Application August 6, 2015 – Amendment of a previously approved Variance (§72-21) which permitted the erection and use of a one-story building as a non-conforming Use Group 6 drug store with accessory parking. The Amendment seeks to eliminate the term of the variance since the use is now permitted in the district. C2-3/R3-2 zoning district.

PREMISES AFFECTED – 119-02 Rockaway Boulevard, corner of Rockaway Boulevard and Lefferts Boulevard, Block 11712, Lot 28, Borough of Queens.

COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for adjourned hearing.

4-98-BZ

APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.

SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.

PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

189-09-BZ

APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.

SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.

PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for deferred decision.

16-12-BZ

APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.

SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.

PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for deferred decision.

APPEALS CALENDAR

2016-4174-A
APPLICANT – Anthony Scaduto for NYC Fire Department, for Sarasota Gold LLC, owner.
SUBJECT – Application April 18, 2016 – to approve the modification of Certificate of Occupancy. R6 zoning district.
PREMISES AFFECTED – 711 Seagirt Avenue, Block 15610, Lot 1, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application from the Fire Commissioner, requesting to modify the Certificate of Occupancy of the subject premises to reflect a requirement of smoke partitions and smoke doors throughout the entire building; and

WHEREAS, the Fire Commissioner proposes to issue the following order to the property owner:

You are hereby ordered as follows:

1. The owner shall cause plans to be prepared by a design professional for the installation of smoke partitions and smoke doors in the building in accordance with 1968 NYC Building Code Section 27-369(c) and all other applicable laws, rules and regulations. Such plans shall indicate the location and design of the smoke partitions and smoke doors and all other information required for DOB approval.
2. Within 120 days of the date of issuance of the BSA's resolution, the owner shall make application to the NYC Department of Buildings for approval of such plans and issuance of a work permit to install such smoke partitions and smoke doors. Notice and a copy of the filing shall be given to the Chief of Fire Prevention of the NYC Fire Department. The owner shall diligently pursue such application until DOB approval is obtained.
3. The owner shall obtain any other approvals required for the installation of such smoke partitions and smoke doors.
4. Within 120 days of DOB issuance of the work permit, the owner shall commence work on the installation of the smoke partitions and smoke doors, and diligently pursue completion of the project.
5. The owner may request extensions of these deadlines for good cause by writing to the Chief of Fire Prevention, NYC Fire Department.; and

WHEREAS, a public hearing was held on this application on August 16, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and surrounding neighborhood; and

WHEREAS, the subject site is an entire city block bound by Seagirt Avenue to the north, Beach 8th Street to the west, Beach 6th Street to the east and Rockaway Beach and Boardwalk to the south, in an R6 zoning district, in Queens; and

WHEREAS, the site is occupied by one (1) building with four (4) interconnected residential sections of twenty-five (25) stories ("Building A"), twenty-one (21) stories ("Building B"), seventeen (17) stories ("Building C"), thirteen (13) stories ("Building D"), containing 917 residential dwelling units and accessory uses on the first and second floors, including an open parking structure; and

WHEREAS, the current Certificate of Occupancy Number 188882, issued May 22, 1975 (the "Current CO"), reflects the use of the building as a Class A Multiple Dwelling; and

WHEREAS, the Fire Department states that construction of the premises was completed on March 28, 1975 pursuant to the 1968 Building Code, when smoke partitions and smoke doors were not required; and

WHEREAS, the 1982 revisions to the 1968 Building Code require smoke barriers in all newly-constructed multiple dwellings where the length of a hallway exceeds 150 feet for the purposes of limiting the spread of smoke, protecting building occupants in their apartments and aiding resident access to the building stairwells in cases where evacuation is necessary; and

WHEREAS, the interconnected hallways at the premises measure between 300 feet and 600 feet long; and

WHEREAS, on October 23, 2014, the Fire Department responded to a report of a fire at the premises and discovered a fire in an apartment on the 13th floor and a smoke condition throughout the 13th floor hallways; and

WHEREAS, a subsequent Fire Department inspection of the premises concluded that while the building's fireproof construction prevented the spread of the fire to other apartments, the lack of smoke barriers in the hallway resulted in a smoke condition that put residents of over 50 residential dwelling units in danger; and

WHEREAS, the Fire Department asserts that the proposed modification to the Current CO is necessary in the interest of public safety because fire protection within the subject building is inadequate; and

WHEREAS, the Fire Department states that the installation of smoke partitions and smoke doors throughout the building will limit the horizontal spread, as well as some of the vertical spread, of the smoke and toxic fumes generated in a fire along the building's very long hallways and reduce the search and rescue area; and

WHEREAS, specifically, the First Department submits that smoke partitions and smoke doors are required at the premises for the following reasons: (1) the remote location of the building means that responding Fire Department units will be responding from a greater distance and will take more time to assemble the resources necessary to fully respond to a fire or other emergency; (2) the site is in a location prone to flood, the building was damaged by Superstorm Sandy and the potential for future flooding may prevent future Fire Department access to the building; (3) the proximity of the building to the coastline increases the likelihood of a wind-impacted fire which can significantly intensify the seriousness of a fire on the premises; (4) the building's configuration, intended to provide picturesque water views, also makes it well-positioned to capture ocean winds that could create the funneling effect that is most dangerous in a wind-impacted fire; (5) the presence of openable windows on corridors and in apartments further increases the risk of a wind-impacted fire; (6) the immense size of the building and interconnection of the corridors without smoke barriers causes the complex to function as a single building; (7) the increased likelihood of fire emergencies at the premises based on its significant number of DOB violations; (8) longstanding issues of elevator violations at the premises increases likelihood that the elevators would pose a logistical challenge for the Fire Department in responding to such fire emergencies; (9) the lack of sprinklers in the building increases the risk that a small fire would spread and generate large amounts of smoke; and (10) modern furnishings in the building have a higher rate of heat and smoke release than the type of furnishings that were available when the building was originally constructed; and

WHEREAS, the Fire Department requests that the Board modify the certificate of occupancy, pursuant to Section 645(b)(3)(e) of the New York City Charter, to reflect that smoke partitions and smoke doors be installed in the building; and

WHEREAS, at hearing, representatives of the owner agreed to comply with the Fire Department's recommendation that smoke partitions and smoke doors be installed at the premises; and

WHEREAS, based on the above, the Board agrees with the Fire Department that, given the length of the hallways in the subject building, its requirement for the installation of smoke partitions and smoke doors is appropriate; and

WHEREAS, the Board finds that the installation of smoke partitions and smoke doors, as requested by the Fire Department, supports the Fire Department's goals to protect life and property at the premises in the event of fire; and

WHEREAS, the Board notes that the mechanics, ultimate configuration and spacing of the smoke partitions and smoke doors shall be approved by the Department of Buildings and the Fire Department prior to installation; and

WHEREAS, accordingly, the Board supports the modification to the Certificate of Occupancy to reflect that smoke partitions and smoke doors be maintained throughout the subject building in accordance with 1968 NYC Building Code Section 27-369(c).

Therefore it is Resolved, that the application of the Fire Commissioner, dated April 18, 2016 seeking the modification of Certificate of Occupancy No. 188882 is hereby granted.

Adopted by the Board of Standards and Appeals, August 16, 2016.

108-15-A thru 110-15-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Glebe Partners LLC, owners.
SUBJECT – Application May 13, 2015 – Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings commenced under prior zoning district regulations. R6A zoning district.
PREMISES AFFECTED – 2317, 2319, 2321 Glebe Avenue, Block 3971, Lot(s) 167, 166, 165, Borough of Bronx.
COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for continued hearing.

260-15-A & 261-15-A
APPLICANT – Eric Palatnik, P.C., for Whitewell Properties, LLC, owner.
SUBJECT – Application November 24, 2015 – GCL36 to permit two, two family homes that do not have frontage on a legally mapped street, contrary to Article 3, Section 36 of the NYS General City Law. RA3X zoning district.
PREMISES AFFECTED – 122 & 130 Bard Avenue, Block 138, Lot(s) 108 & 111, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
PREMISES AFFECTED – 5, 11, 17, 23 Herbert Street and 14 Holtein Avenue, Block 6681, Lot(s) 30, 31, 40, 41, 34, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for postponed hearing.

272-15-A
APPLICANT – Eric Palatnik, P.C., for Tribanor Real Estate, owner.

SUBJECT – Application December 14, 2015 – Proposed construction of a commercial building, not fronting a legally mapped street, contrary to General City Law 36. M3-1 zoning district.
PREMISES AFFECTED – 35 Derick Court, Block 7206, Lot 510, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

225-15-BZ
CEQR #16-BSA-A033M
APPLICANT – Friedman & Gotbaum LLP, for The Allen-Stevenson School, owner.
SUBJECT – Application September 25, 2015 – Variance (§72-21), with respect to height and setback regulations, to permit the enlargement of The Allen-Stevenson School, a nonprofit private kindergarten through Grade 9 school for boys. C1-8X, R8-B/LH-1A zoning district.
PREMISES AFFECTED – 126-134 East 78th Street (a/k/a 121-123 East 77th Street), Block 1412, Lot 58, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 28, 2016, acting on DOB Application No. 121191842 reads in pertinent part:

1. ZR 23-662(a): Proposed enlargement within the R8B (LH-1A) portion of the zoning lot contrary to height and setback as per ZR Sec. 23-662(a);
2. ZR 24-591: Proposed enlargement within the R8B (LH-1A) portion of the zoning lot contrary to height limitations as per ZR Sec. 24-591; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site partially within an R8B (LH-1A) zoning district and partially within a C1-8X zoning district and in the Upper East Side Historic District, the enlargement of an existing school facility that does not comply with the height and set back regulations of ZR §§ 23-662(a) and 24-591; and

WHEREAS, this application is filed on behalf of the Allen-Stevenson School (the "School"), a nonprofit private school for boys in Kindergarten through 9th grade; and

WHEREAS, a public hearing was held on this application on August 2, 2016, after due notice by publication in *The City Record*, and then to decision on August 16, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a partial through-block lot with frontages on East 78th Street and East 77th Street located between Lexington Avenue and Park Avenue, partially within an R8B (LH-1A) zoning district and partially within a C1-8X zoning district, in the Upper East Side Historic District, in Manhattan; and

WHEREAS, the site has approximately 89 feet of frontage along East 78th Street, 50 feet of frontage along East 77th Street, 14,053 sq. ft. of lot area and is occupied by four buildings: a five-story building fronting East 78th Street (130-134 East 78th Street, the "Main Building"), a six-story building fronting East 77th Street (the "Annex," which is fully connected to the Main Building), a five-story townhouse (128 East 78th Street, the "East Townhouse") and a four-story townhouse (126 East 78th Street, the "West Townhouse"); and

WHEREAS, the Main Building and Annex are fully within a C1-8X zoning District, the East Townhouse is partially within a C1-8X zoning district and partially within an R8B (LH-1A) zoning district and the West Townhouse is wholly located within an R8B (LH-1A) zoning district; and

WHEREAS, the Main Building, East Townhouse and West Townhouse (collectively, the "Townhouses") are all fully within the Upper East Side Historic District; and

WHEREAS, the applicant proposes to expand all four of the buildings on the site in order to fully integrate the Townhouses with the Main Building, increase the height of the Townhouses and permit all of the buildings fronting on East 78th Street to share the same alignment, floor elevations and floor-to-floor heights; and

WHEREAS, specifically, the applicant proposes to (1) add additional floors to the Main Building and Annex, increasing the height of the Main Building from 80'-9" to 112'-10" and increasing the height of the Annex from 77'-1" to 114'-10" and (2) increase the height of both the East Townhouse and the West Townhouse from 63'-8" and 54'-4", respectively, to a level height of 66 feet measured to the top of their roofs and 84'-7" measured to the top of a greenhouse that is proposed to sit atop their roofs; and

WHEREAS, these modifications will result in an increase of 15,049 sq. ft. of floor area in the portion of the site located in a C1-8X zoning district and an increase of 929 sq. ft. of floor area in the portion of the site located in an R8B (LH-1A) zoning district (a total of a 15,978 sq. ft. increase in floor area), which the applicant submits is permitted on the site as-of-right; and

WHEREAS, the applicant represents that the proposed modifications in height to the Main Building and Annex are also as-of-right and that the subject application is with regards to proposed modifications to the Townhouses only; and

WHEREAS, the Townhouses, with base heights of

43'-9" and setbacks of 5'-7" above base height, are currently noncompliant with ZR § 23-662, which requires a minimum base height of 55 feet and setbacks of 15 feet; and

WHEREAS, in addition, at a total height of 63'-8", the East Townhouse currently exceeds the maximum height of 60 feet permitted in an R8B (LH-1A) zoning district pursuant to ZR § 24-5911; and

WHEREAS, accordingly, the applicant seeks a waiver of ZR § 23-662 in order to maintain the Townhouses' base heights of 43'-9" and their 5'-7" setbacks above base height contrary to the requirements of that section as well as a waiver of ZR § 24-591 to permit an increase to the Townhouses' building heights to 84'-7", as measured to the top of the greenhouse2, contrary to the maximum height permitted therein; and

WHEREAS, the School states that the variance sought is necessary to meet its programmatic needs at the site, on which it has operated since 1924; specifically, it allows the School to provide a regulation-sized gymnasium, science and engineering labs, a visual arts center and greenhouse for its current enrollment of approximately 400 students; and

WHEREAS, the applicant represents that the requested waivers of ZR §§ 23-662 and 24-591 are the only means available for the School to provide these much needed facilities onsite, reconfigure and consolidate all of the School's functions into a single unified campus, create the appropriate academic adjacencies and provide improved systems of egress and ADA access; and

WHEREAS, specifically, the requested waivers permit (1) the alignment of the floors of the Townhouses with the Main Building to create program adjacencies, including one between the new visual arts centers proposed on the fifth floor of the Townhouses with the existing art studio and woodshop on the fifth floor of the Main Building; (2) a floor-to-floor height of the fifth floor in the Townhouses appropriate for the visual arts center proposed therein; (3) the alignment of the rooftops of the East Townhouse and the West Townhouse to accommodate the 380 sq. ft. footprint of the proposed greenhouse; (4) consolidation of egress to street level from the new gymnasium, proposed as an additional floor of the Main Building, with egress from the roof of the Townhouses; and (5) ADA access throughout the entire campus, including to the rooftop greenhouse; and

WHEREAS, the applicant represents that, without the requested waivers, the School will suffer significant and unnecessary practical hardships in meeting its mission, to wit, the School would have to forego direct connectivity between the new gymnasium level of the Main Building and the rooftop of the Townhouses, ADA access to the proposed greenhouse would be unavailable and the School would have to either completely sacrifice the proposed expansions to its visual arts or science and engineering labs space or significantly diminish both proposed program expansions in order to accommodate them in the sub-optimal, existing Townhouses; and

WHEREAS, the Board acknowledges that the School, as an educational institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the school and the constraints of the existing buildings create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the School is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the School represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, the applicant notes that, without reference to the proposed greenhouse, the height of the East Townhouse to the roof will be increased by only 28 inches and the final height of the West Townhouse to the roof will exceed the maximum height allowed in the zoning district by only six feet; and

WHEREAS, the applicant also represents that the greenhouse, which adds 18'-7" to the total heights of the each of the Townhouses, is sufficiently small and set back from the street so as to not be visible from the public way; and

WHEREAS, the applicant submits that because the subject proposal maintains the existing facades of the Townhouses, it does not disturb the residential typology of the street or alter the essential character of adjacent buildings; and

WHEREAS, with regards to a proposed rooftop play area atop the Main Building, the applicant states that the Main Building has had a rooftop play area in one form or another since 1965 and that the new proposed rooftop play area will be 30 feet higher than the current rooftop play area and, thus, lead to a reduction in the current noise levels experienced at the street level and at surrounding low-rise buildings; and

WHEREAS, with regards to concerns regarding light emanating from the site at night, the applicant proposes to utilize programmable shades on the gymnasium windows,

1 The West Townhouse, at a height of 54'-4", is currently compliant with ZR § 24-591.

2 Though the applicant may seek certification of the proposed rooftop greenhouse as a permitted obstruction pursuant to ZR § 75-01, the height of the greenhouse has, alternatively, been included in the applicant's variance requests.

greenhouse and skylights in the visual arts center located in the Townhouses; and

WHEREAS, finally, the School represents that the proposal is not related to an increase in the School's enrollment and, thus, there will be no increase in activity on the site as a result; and

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") issued Certificate of Appropriateness #18-3459, expiring January 13, 2021, in connection with the proposed work at the subject site on the Main Building, the Townhouses; and

WHEREAS, the Board agrees with the School that the proposal will not alter the essential character of the surrounding neighborhood, not impair the use or development of adjacent properties, and not be detrimental to the public welfare; and

WHEREAS, the School states that, per ZR § 72-21(d), the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the School; and

WHEREAS, the School represents that, consistent with ZR § 72-21(e), the proposal represents the minimum variance needed to accommodate its programmatic needs; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to allow the school to fulfill its programmatic needs; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. 16-BSA-A033M, dated June 8, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the New York City Department of Environmental Protection's ("DEP") Bureau of Sustainability reviewed the project for potential hazardous materials; and

WHEREAS, DEP reviewed and accepted the April 2016 Remedial Action Plan and Construction Health and Safety Plan; and

WHEREAS, by letter dated May 13, 2016, DEP requested that a Remedial Closure Report, certified by a Professional Engineer (P.E.) and indicating that all remedial requirements have been properly implemented, be submitted to DEP for review and approval upon completion of the proposed project; and

WHEREAS, DEP also reviewed and accepted the Noise and Air Quality Chapters in the EAS and backup materials and determined that the proposed project would not result in any potential for significant adverse impacts with regards to Noise or Air Quality; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site partially within an R8B (LH-1A) zoning district and partially within a C1-8X zoning district and in the Upper East Side Historic District, the enlargement of an existing school facility that does not comply with the height and set back regulations of ZR §§ 23-662(a) and 24-591; *on condition* that any and all work shall substantially conform to the drawings as they apply to the objections above noted, filed with this application marked "Received August 5, 2016"-Twenty-Three (23) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the East Townhouse (128 East 78th Street): a maximum base height of 43'-9", a minimum base setback of 5'-7" and a maximum building height of 84'-7" as measured to the top of the greenhouse, as shown on the BSA-approved plans;

THAT the following shall be the bulk parameters of the West Townhouse (126 East 78th Street): a maximum base height of 43'-9", a minimum base setback of 5'-7" and a maximum building height of 84'-7" as measured to the top of the greenhouse, as shown on the BSA-approved plans;

THAT programmable shades shall be installed on all greenhouse windows, proposed skylights and windows to the proposed gym atop the Main Building;

THAT the programmable shades shall be in the down position 2 hours after nightfall and lifted no earlier than 7:00 a.m., daily;

THAT a Remedial Closure Report shall be submitted to DEP, as requested, for review and approval upon completion of the proposed project;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the

Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2016.

256-15-BZ
CEQR #16-BSA-051Q
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Goron Properties, Inc., owner; Blink 56-02 Roosevelt, Inc., lessee.
SUBJECT – Application November 12, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink Fitness*) to operate within an existing commercial building. C2-3/R6 zoning district.
PREMISES AFFECTED – 56-02 Roosevelt Avenue, Block 1327, Lot 35, Borough of Queens.
COMMUNITY BOARD #2Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated October 15, 2015, acting on Department of Buildings Application No. 421204912, reads in pertinent part:

> "Proposed Physical Culture Establishment in C2-3 (R6, R5B) zoning district is contrary to section 32-10 ZR and requires a special permit from BSA (73-36)"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within an R6 (C2-3) zoning district and partially within an R5B zoning district, the operation of a physical culture establishment (PCE) in a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 19, 2016, after due notice by publication in *The City Record*, and then to decision on August 16, 2016; and

WHEREAS, Community Board 2, Queens, recommends approval of this application on condition that the hours of operation for the PCE are Monday to Saturday, 5:30 a.m. to 11:00 p.m. and Sunday 7:00 a.m. to 9:00 p.m.; and

WHEREAS, Vice-Chair Hinkson and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of the intersection of Roosevelt Avenue and 56th Street, partially within an R6 (C2-3) zoning district and partially within an R5B zoning district, in Queens; and

WHEREAS, the site has approximately 79 feet of frontage along Roosevelt Avenue, 64 feet of frontage along 56th Street, 7,575 sq. ft. of lot area, and is occupied by a two-story commercial building; and

WHEREAS, the existing building is located entirely within an R6 (C2-3) zoning district;

WHEREAS, the subject PCE will occupy a total of 12,979 sq. ft. of floor area in the existing building, consisting of 6,389 sq. ft. of floor area on the first floor and 6,590 sq. ft. of floor area on the second floor; and

WHEREAS, the PCE will be operated as Blink Fitness; and

WHEREAS, the PCE will consist of facilities for group fitness classes, strength training and cardiovascular exercise equipment, along with locker rooms and office space; and

WHEREAS, the proposed hours of operation are: Monday to Saturday, 5:30 a.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has provided the Board with plans indicating that the PCE space will include an approved interior fire alarm system—including area smoke detectors, manual pull stations at all required exits, local audible and visual alarms, and a connection to an FDNY-approved central station—and will be fully sprinklered; and

WHEREAS, the applicant has also agreed to install noise attenuation throughout the space to ensure that the sound level in other portions of the building, including sound emanating from any sound system, does not exceed the maximum noise level of 45 dBA; and

WHEREAS, by letter dated July 14, 2016, the Fire Department states that is has no objections to this application; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA051Q, dated November 12, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and

makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located partially within an R6 (C2-3) zoning district and partially within an R5B zoning district, the operation of a physical culture establishment in a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 26, 2016"- Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on August 16, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at all required exits, local audible and visual alarms, and a connection to an FDNY-approved central station—will be installed within the PCE space, as indicated on the BSA-approved plans;

THAT the PCE will be fully sprinklered, as indicated on the BSA-approved plans;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2016.

240-14-BZ

APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.

SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.

PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Off-Calendar.

92-15-BZ

APPLICANT – Eric Palatnik, P.C., for Buffalo Avenue Realty Associates, LLC, owner.

SUBJECT – Application April 23, 2015 – Variance (§72-21) proposed redevelopment of existing Use group hospital with the use of USG3 nursing home and sky exposure plain. R6 zoning district.

PREMISES AFFECTED – 170 Buffalo Avenue, between St. Marks Avenue and Prospect Place, Block 1362, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for decision, hearing closed.

100-15-BZ

APPLICANT – Eric Palatnik, PC, for 24 East 39 LLC, owner.

SUBJECT – Application May 5, 2015 – Variance (§72-21) to propose a change of use in the existing building on the premises from a use group 2 apartment hotel to a use group 5 transient hotel. R8B zoning district.

PREMISES AFFECTED – 24 East 39th Street, Block 0868, Lot 051, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Laid over to October 18, 2016, at 10 A.M., for continued hearing.

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for adjourned hearing.

156-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Pamela Equities Corp., owner; NYHRC, lessee.
SUBJECT – Application July 8, 2015 – Special Permit (73-36) to reestablish a special permit to allow an existing physical culture establishment ("*NYHRC*") within a portion of an existing eleven story commercial building located in a C5-2(MID) and C5-2(MID) zoning district.
PREMISES AFFECTED – 18/20 East 50th Street, Block 1285, Lot 59, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Laid over to August 23, 2016, at 10 A.M., for deferred decision.

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 16, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

54-14-BZ
APPLICANT – Moshe M. Friedman, P.E., for 11-01 Irving Avenue, LLC, owner.
SUBJECT – Application April 3, 2014 – Variance (§72-21) to permit development of a three story and penthouse residential building, contrary to use regulations (§42-00). M1-4 zoning district.
PREMISES AFFECTED – 1506 Decatur Street aka 11-01 Irving Avenue aka 1504 Decatur Street, Block 3542, Lot 12, Borough of Queens.
COMMUNITY BOARD #5Q
ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

28-15-BZ
APPLICANT – Law Offices of Marvin B. Mitzner LLC, for Thurcon Properties, owner; SPA 88 LLC, lessee.
SUBJECT – Application February 17, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Spa 88*) on the first, cellar and sub-cellar floors of the existing building. C6-4 zoning district.
PREMISES AFFECTED – 88 Fulton Street, Block 77, Lot 24, Borough of Manhattan.
COMMUNITY BOARD #1M
ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

131-15-BZ
APPLICANT – Eric Palatnik, for 650 Broadway Realty Inc., owner; Joshua Griffiths, lessee.
SUBJECT – Application June 1, 2015 – Special Permit (73-36) to allow the legalization of physical culture establishment (*Clockwork Jiu Jitsu*) on the second floor of a five-story plus cellar building. M1-5B zoning district.
PREMISES AFFECTED – 650 Broadway, Block 529, Lot 4, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for decision, hearing closed.

277-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Benjamin and Rivka Perl, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to (ZR 23-141B). R2 zoning district.
PREMISES AFFECTED – 2621-2623 Avenue R (aka 1788-1798 East 27th Street) Block 6809, Lot 47, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

2016-1209-BZ
APPLICANT – Law Office of Jay Goldstein, for Yechezkel Reichman, owner.
SUBJECT – Application January 14, 2016 – Special Permit (§73-622) & Variance (§72-21) for the enlargement of an existing single family home. R2 zoning district.
PREMISES AFFECTED – 2701 Avenue K (1085 East 27th Street), Block 7609, Lot 9, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

2016-1216-BZ
APPLICANT –Sheldon Lobel, P.C., for 1128 36th LLC, owner.
SUBJECT – Application February 5, 2016 – Special Permit (§73-19) to allow for a Use Group 3 school (*Yeshiva Ohr Yoseph*) on the basement to third floors of a new six-story building and Special Permit (§73-44) to permit a reduction in the number of accessory off-street parking spaces required pursuant to ZR 44-21 for commercial office use (UG 6B) on the fourth to sixth floors. M1-2 zoning district.
PREMISES AFFECTED – 1128 36th Street, Block 5292, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on July 12, 2016, under Calendar No. 39-15-BZ and printed in Volume 101, Bulletin Nos. 28-29, is hereby corrected to read as follows:

39-15-BZ
CEQR #15- BSA-164M
APPLICANT – Bryan Cave, LLP, for Chun Woo Realty Corp., Owner.
SUBJECT – Application March 3, 2015 – Variance (§72-21) to permit the construction of a new 10 story, 30,235 sq., ft. office building (UG 6) with ground floor retail (UG 6) contrary to floor area (§33-122). C6-2A zoning district.
PREMISES AFFECTED – 74-76 Eighth Avenue, southeast corner of 8th Avenue and West 14th Street. Block 618, Lot 5. Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated February 27, 2015, acting on DOB Application No. 121192690 reads in pertinent part:

1. ZR 33-122: Floor area exceeds maximum permitted per ZR 33-122;

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within a C6-2A zoning district, the construction of a 10-story commercial building with a floor area ratio ("FAR") in excess of the maximum permitted in the zoning district pursuant to ZR § 33-122; and

WHEREAS, a public hearing was held on this application on March 22, 2016, after due notice by publication in *The City Record*, with a continued hearing on May 24, 2016 and then to decision on July 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application subject to conditions, including revisions to the proposed building; and

WHEREAS, the subject site is located on the southeast corner of Eighth Avenue and West 14th Street, in a C6-2A zoning district, in Manhattan; and

WHEREAS, the site has approximately 46 feet of frontage along Eighth Avenue, 80 feet of frontage along West 14th Street, total lot area of 3,680 sq. ft. and is occupied by three buildings, all of which will be demolished for the construction of the project proposed herein; and

WHEREAS, the applicant originally proposed to construct a 12-story commercial office building with Use Group 6 retail located on the ground floor, a street wall height pf 85'-0" at Eighth Avenue, a total height of 120'-0", and 37,166 sq. ft. of floor area (10.1 FAR) (the "Original Proposal"), contrary to the 6.0 FAR maximum permitted at the subject site pursuant to ZR § 33-122; and

WHEREAS, in addition, the Original Proposal required a waiver of the setback requirements applicable in the zoning district in order to provide a 3'-0" setback from West 14th Street; and

WHEREAS, in its Resolution, Community Board 2, Manhattan, expressed concerns regarding, *inter alia*, the 10.1 FAR proposed in the Original Proposal, the validity of the assumptions contained in the accompanying financial analysis and stated rate of return and whether the Original Proposal represented the minimum variance; and

WHEREAS, in response to these concerns, as well as questions posed by the Board regarding the extent of the requested waivers, the applicant revised the proposal to consist of a 10-story commercial office building with retail use in the cellar and on the ground floor and offices on the second through tenth floors with a street wall height of 60'-0" at Eighth Avenue, setbacks that comply with the Zoning Resolution and total floor area 30,235 sq. ft. (8.22 FAR) (the "Subject Proposal"); and

WHEREAS, because the 8.22 FAR proposed is in excess of the maximum permitted pursuant to ZR § 33-122, the applicant seeks the subject variance; and

WHEREAS, the applicant states that, pursuant to ZR § 72-21(a), the presence of a subway tunnel beneath the premises, along with the size and shallowness of the site, are unique physical conditions that create a practical difficulty and unnecessary hardship in developing the site in conformance with the underlying zoning district regulations; and

WHEREAS, the applicant represents that the subway tunnel, which bisects the site from approximately one-third of its northern lot line to approximately one-half of its southern lot line on the western side and burdens approximately 36 percent of the lot, require expensive systems to mitigate and/or isolate the sounds, vibrations and tremors caused by the subway which prevents the development of the site with a project that is compliant with the Zoning Resolution; and

WHEREAS, in response to questions from the Board regarding the potential for residential development at the site, the applicant further submits that the limited size and shallowness of the lot frustrates the development of the subject site with a complying residential development; specifically, the 30'-0" by 40'-0" inner court required pursuant to ZR § 23-851 would occupy nearly one-third of the 3,680 sq. ft. lot and, with required stairways and elevators and extensive structure required to support a building atop a subway tunnel, result in dwelling units with small and inefficient floor plates; and

WHEREAS, the Board agrees that the aforementioned unique physical conditions at the site create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) a 6-story commercial building with 21,515 sq. ft. of total floor area comprised of retail in the cellar and

ground floor and offices on the second through sixth floors (the "As-of-Right Scenario"); (2) the same 6-story commercial building described in the As-of-Right Development in the absence of the underground subway tunnel condition (the "Typical Development Scenario"); and (3) the Subject Proposal; and

WHEREAS, the applicant represents that only the Subject Proposal would provide a reasonable return; and

WHEREAS, the Typical Development Scenario was provided in order to estimate the value of an as-of-right building on a fictitious site, one without the complained of hardship, and intended for illustrative purposes only; and

WHEREAS, the financial analysis indicated that the As-of-Right Scenario would have development costs of $23,345,000 and a capitalized project value of $22,350,000, resulting in a loss of $995,000; that the Typical Development Scenario would have the same capitalized project value as the As-of-Right Scenario, but reduced development costs of $19,388,000 for a return of $2,962,000; and that the Subject Proposal results in a positive return of $296,000; and

WHEREAS, the financial analysis reports that the almost $4 million difference in development costs between the As-of-Right Scenario and the Typical Development Scenario is attributed to the additional construction costs imposed by the unique physical conditions present at the subject site and that the more than $5 million difference in development costs between the As-of-Right Scenario and the Subject Proposal includes those costs as well as the costs associated with the four additional floors of office space provided in the Subject Proposal; and

WHEREAS, upon review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that, in accordance with ZR § 72-21(c), the surrounding neighborhood and district are characterized by one- and two-family row houses, walkup apartment buildings and apartment buildings rising to more than fifteen-stories, most of which contain ground floor retail use, as well as larger commercial buildings including a 20-story building opposite the subject site at the northeast corner of Eighth Avenue and West 14th Street, and that, therefore, the Subject Proposal will neither alter its substantial character nor substantially impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the applicant additionally submits that the height, massing and bulk of the Subject Proposal is more consistent with the scale of the surrounding buildings, specifically the adjoining building to the subject site's immediate southeast, and the proposed ground floor retail use is consistent with the ground floor retail uses in buildings along both Eighth Avenue and West 14th Street; and

WHEREAS, in light of the above, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site; and

WHEREAS, the applicant submits that, as supported by the provided financial analysis and consistent with ZR § 72-21(e), the Subject Proposal is the minimum needed to provide relief; and

WHEREAS, the Board agrees, in accordance with ZR § 72-21(e), that the Subject Proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. CEQR No. 15 BSA164M, dated February 17, 2015; and

WHEREAS, the EAS documents that the project would not have significant impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials and noise; and

WHEREAS, DEP reviewed and accepted the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP); and

WHEREAS, DEP requested that a Professional Engineer-certified Remedial Closure Report be submitted upon completion of the proposed project indicating that all remedial requirements as set forth in the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) have been properly implemented; and

WHEREAS, DEP reviewed the Noise Chapter in the Environmental Assessment Statement and recommends that (1) window and wall noise attenuation be installed on the West 14th Street and Eighth Avenue frontages of the proposed building as follows in order to attain an indoor noise level of 50 dBA: (a) on the West 14th Street façade, 28 dBA for zero to 100 feet elevation and 26 dBA from 101 feet to the top; (b) on the Eighth Avenue façade, 26 dBA for zero to 100 feet elevation and 23 dBA from 101 feet to the top; and (2) an alternate means of ventilation be incorporated into the building design and construction; and

WHEREAS, the also DEP reviewed and accepted the Air Quality Chapter in the Environmental Assessment Statement, subsequent memoranda and backup materials and determined that the proposed project would not result in any potential for significant adverse impacts with regards to air quality; and

WHEREAS, the New York City Landmarks

Preservation Commission ("LPC") completed an environmental review of the proposal and confirmed that, though it exists in the vicinity of the Greenwich Village Historic District and buildings listed as New York City Landmarks or listed on the National Register of Historic Places, the subject site does not contain any areas of architectural or archaeological significance and therefore, no impacts on architectural or archaeological resources are expected as a result of the proposal; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type 1 Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within a C6-2A zoning district, the construction of a 10-story commercial building with a floor area ratio in excess of the maximum permitted in the zoning district pursuant to ZR § 33-122; *on condition* that any and all work shall substantially conform to drawings filed with this application marked "Received June 23, 2016"—fourteen (14) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area ratio of 8.22
, as reflected on the BSA-approved plans; and

THAT a Professional Engineer-certified Remedial Closure Report be submitted upon completion of the proposed project indicating that all remedial requirements as set forth in the December 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) have been properly implemented;

THAT such closure support shall be submitted prior to the receipt of the Certificate of Occupancy;

THAT window and wall noise attenuation be installed on the West 14th Street and Eighth Avenue frontages of the proposed building as follows in order to attain an indoor noise level of 50 dBA: (a) on the West 14th Street façade, 28 dBA for zero to 100 feet elevation and 26 dBA from 101 feet to the top; (b) on the Eighth Avenue façade, 26 dBA for zero to 100 feet elevation and 23 dBA from 101 feet to the top;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2016.

***The resolution has been amended Corrected in Bulletin Nos. 33-34, Vol. 101, dated August 24, 2016.**

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BULLETIN

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Afternoon .....

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Tuesday, AUGUST 23, 2016

Morning Calendar .....

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189-09-BZ	3067 Richmond Terrace, Staten Island
240-55-BZ	207-22 Northern Boulevard, Queens
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2016-4180-BZ	87-25 252nd Street, Queens

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
SEPTEMBER 27, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 27, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

1151-81-BZ
APPLICANT – Greenberg Traurig, LLP
SUBJECT – Application May 19, 2016 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6 (IHDA) zoning district.
PREMISES AFFECTED – 95 Vandam Street, Block 00597, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #2M

174-94-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for David Rosero, owner.
SUBJECT – Application May 30, 2014 – Extension of the term of the variance, permitting an automotive sales establishment, which expired on May 6, 2012: Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 99-07 Roosevelt Avenue, Block 1765, Lot 44, Borough of Queens.
COMMUNITY BOARD #3Q

371-01-BZ
APPLICANT – Greenberg Traurig LLP, for 104 Charlton Street Condominium, owner; 537 Greenwich Owner LLC, lessee.
SUBJECT – Application May 19, 2016 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6 (IHDA) zoning district.
PREMISES AFFECTED – 104 Charlton Street, Block 7502, Borough of Manhattan.
COMMUNITY BOARD #2M

172-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 50 Court Street Associates, owner; Equinox Joralemon Street, Inc., lessee.
SUBJECT – Application February 1, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (*Equinox*) which expires on February 7, 2016. C5-2A (DB) zoning district.
PREMISES AFFECTED – 50 Court Street, Block 265, Lot 43, Borough of Brooklyn.
COMMUNITY BOARD #2BK

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APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
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COMMUNITY BOARD #3SI

2016-4212-A thru 2016-4214-A
APPLICANT – Law Office of Steven Simicich, for Victory Parish LLC & 4065 Victory Boulevard, LLC, owner.
SUBJECT – Application June 7, 2016 – Proposed construction of a mixed use commercial and residential building not fronting on a legally mapped street, contrary to General City Law 36. C1-2/R3A zoning district.
PREMISES AFFECTED – 4069, 4073, 4077 Victory Boulevard, Block 2771, Lots 4, 5, 6, Borough of Staten Island.
COMMUNITY BOARD #2SI

REGULAR MEETING
SEPTEMBER 27, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 27, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

22-15-BZ
APPLICANT – Simons & Wright LLC, for 219 26th Street, LLC, owner.
SUBJECT – Application February 5, 2015 – Variance (72-21) to proposed to construct a residential building on a small lot at premises, located in an M1-1D zoning district, contrary to (Section 42-00) not permitted as of right.
PREMISES AFFECTED – 219 26th Street, Block 655, Lot 55, Borough of Brooklyn.
COMMUNITY BOARD #7BK

2016-1221-BZ
APPLICANT – Jay Goldstein, Esq., for Fifth Jam Development, LLC, owner; EVF Row House Inc., lessee.
SUBJECT – Application February 11, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Row House*) on the second floor of an existing commercial building. C2-7A zoning district.
PREMISES AFFECTED – 269 West 23rd Street, Block 773, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #4M

2016-4151-BZ
APPLICANT – Eric Palatnik, P.C., for Joseph Goldzal, owner.
SUBJECT – Application March 25, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage(ZR 23-141). R3-2 zoning district.
PREMISES AFFECTED – 1814 East 28th Street, Block 6833, Lot 11, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4172-BZ
APPLICANT – Jay Goldstein, Esq., for 555 Retail Owner LLC, owner; EVF Performance Inc., lessee.
SUBJECT – Application April 15, 2016 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*EVF Performance*) on a portion of the cellar and first floor. C6-2/C4-7 zoning district.
PREMISES AFFECTED – 555 West 59th Street (543-555 & 559 W 59th Street; 236-254 W 60th Street), Block 1151, Lot 1301, Borough of Manhattan.
COMMUNITY BOARD #7M

2016-4225-BZ
APPLICANT – William J. Friedman, Esq., for Linda Gold, owner.
SUBJECT – Application July 7, 2016 – Special Permit (§64-A71) to permit the vertical elevation or reconstruction of up to two dwelling units on such zoning lot that contained two or more dwelling units on October 28, 2012, and does not have a certificate of occupancy, or other lawful documentation. R2 zoning district.
PREMISES AFFECTED – 511 Beach 133rd Street, Block 16245, Lot 32, Borough of Queens.
COMMUNITY BOARD #14Q

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, AUGUST 23, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

636-54-BZ
APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation n automotive service station expiring October 16, 2011. C1-3 zoning district.
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.
COMMUNITY BOARD #18BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a Waiver of the Board's Rules of Practice and Procedure, an extension of term of a variance, previously granted by the Board, which expired on October 16, 2011, and an extension of time to obtain a Certificate of Occupancy, which expired on January 8, 2003; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, with continued hearings on April 26, 2016, June 14, 2016, and June 28, 2016 and then to decision on August 23, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 18, Brooklyn, recommends approval of this application with the following conditions: that the premises be kept clean of debris and graffiti, that all lighting be pointed away from residential dwellings, that there be no parking on the sidewalks, that there be no outdoor storage, that all signs be maintained in accordance with BSA-approved plans, and that a new Certificate of Occupancy be obtained within one year from the date of an amended resolution; and

WHEREAS, the subject site is located at the southeast corner of the intersection of Seaview Avenue and Rockaway Parkway, in an R5 (C1-3) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 200 feet of frontage along Seaview Avenue, 70 feet of frontage along Rockaway Parkway, 70 feet of frontage along East 96th Street, 14,000 sq. ft. of lot area, and is occupied by an automotive service station with two one-story accessory buildings; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 16, 1956 when, under the subject calendar number, the Board granted a variance permitting the construction of a gasoline service station and accessory building for a term of fifteen (15) years, expiring October 16, 1971; and

WHEREAS, on October 30, 1956, under the subject calendar number, the Board reopened the variance to amend the design of the previously permitted accessory building; and

WHEREAS, on September 22, 1964 and July 21, 1970, under the subject calendar number, the Board again reopened the variance to amend the number and location of the approved gasoline storage tanks at the premises; and

WHEREAS, on March 7, 1972 and November 17, 1981, under the subject calendar number, the Board granted extensions of term of the variance for additional ten (10) year terms, the latter of which expired October 16, 1991; and

WHEREAS, on February 9, 1988, under the subject calendar number, the Board amended the variance to permit the conversion of the existing gasoline service station to a self-service station, construction of a new canopy over new gasoline pump islands, demolition of a portion of the existing accessory building, construction of a new accessory building and new landscaping; and

WHEREAS, on February 14, 1989, under the subject calendar number, the Board granted an extension of time to complete construction for one (1) year, expiring February 9, 1990; and

WHEREAS, on October 1, 1991, under the subject calendar number, the Board amended the variance to permit the conversion of the existing accessory building from an accessory sales area to a convenience store and accessory sales area and extended the term of the variance for an additional ten (10) years, expiring October 16, 2001; and

WHEREAS, on January 26, 1993, under the subject calendar number, the Board granted an extension of time to obtain a Certificate of Occupancy for sixteen (16) months, expiring May 26, 1994; and

WHEREAS, on January 8, 2002, under the subject calendar number, the Board granted a further extension of the term of the variance for ten (10) years, expiring October 16, 2011 on condition, *inter alia*, that a Certificate of Occupancy be obtained by January 8, 2003; and

WHEREAS, the previous variance term having expired and a Certificate of Occupancy not having been yet obtained, the applicant now seeks an additional ten (10) year extension of term and an extension of time to obtain a Certificate of Occupancy; and

WHEREAS, additionally, the applicant requests a waiver of the Board's Rule of Practice and Procedure

("Rule") § 1-07.3(b)(3) to permit the filing for an extension of term more than two (2) years after but less than ten (10) years after the expiration of the term and Rule § 1-07.3(d)(2) to permit the filing for an extension of time to obtain a Certificate of Occupancy more than thirty (30) days after the expiration of time to obtain a Certificate of Occupancy; and

WHEREAS, in accordance with Rule § 1-07.3(b)(3), the applicant has demonstrated that the use has been continuous since the expiration of the term and that substantial prejudice would result without the requested Rule waiver; and

WHEREAS, the Board finds that a ten (10) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 16, 1956 as amended through January 8, 2002, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant, to expire on October 16, 2021, and a one (1) year extension of time to obtain a Certificate of Occupancy, expiring August 23, 2017; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received August 22, 2016'-Six (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years, expiring October 16, 2021;

THAT a Certificate of Occupancy shall be obtained within one (1) year of this amended Resolution, expiring August 23, 2017;

THAT the premises be kept clean of debris and graffiti;

THAT all lighting at the site shall be directed away from residential dwellings;

THAT there shall be no parking on the sidewalk;

THAT there shall be no outdoor storage;

THAT all signs on the premises shall be maintained in accordance with the BSA-approved plan;

THAT landscaping on the site shall be maintained;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 23, 2016.

302-08-BZ

APPLICANT – NYC Board of Standards and Appeals.

SUBJECT – Application March 18, 2016 – Remanded by the Court back to the NYC Board of Standards and Appeals to consider whether petitioner satisfied the remaining elements required for a Variance (§72-21) to permit an existing semi-detached residential building, contrary to side yard regulations (§23-462). R5 zoning district.

PREMISES AFFECTED – 4368 Furman Avenue, Block 5047, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Bronx Borough Commissioner, dated November 7, 2008, acting on Department of Buildings Application No. 200811407 (the "DOB Objection"), reads in pertinent part:

> Proposed three family dwelling without required 8'-0" side yard is contrary to 23-462(a) ZR and ZR 23-49; and

WHEREAS, this is an application under ZR § 72-21, to legalize, in an R5 zoning district, an existing semi-detached residential building that does not provide the required side yard, contrary to ZR §§ 23-462 and 23-49; and

WHEREAS, a public hearing was held on this application on December 15, 2009, after due notice by publication in *The City Record*, with continued hearings on March 16, 2010, April 27, 2010, and June 22, 2010, and then to decision on July 13, 2010; and

WHEREAS, the Board's July 13, 2010, decision sustained the DOB Objection, and denied the subject application for a variance of the Zoning Resolution pursuant to ZR § 72-21; and

WHEREAS, the applicant brought an action in Supreme Court, Bronx County, to reverse the Board's decision pursuant to Article 78 of the New York Civil Practice Laws and Rules; on December 6, 2011, that court upheld the Board's July 13, 2010, decision; the applicant appealed the ruling of the Supreme Court and the Appellate Division, on July 2, 2103, reversed the Supreme Court decision, ruled that the finding under ZR § 72-21(a) had been met, and remanded the matter to the Board to review the remaining findings under ZR § 72-21; and

WHEREAS, under protest that the Appellate Division wrongfully substituted its discretion for that of the agency's, the Board held public hearings on July 19, 2016, and this matter was brought to decision on August 23, 2016; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; Vice-Chair Hinkson performed an inspection of the site and surrounding neighborhood at the time the application was made, in 2009; and

WHEREAS, Community Board 12, Bronx, recommended disapproval of the subject application, in 2009; and

WHEREAS, the site is located on the east side of Furman Avenue, 224 feet south of Nereid Avenue, within an R5 zoning district; and

WHEREAS, the zoning lot has a width of 55'-9", a depth of 97'-6", and a total lot area of approximately 4,763 sq. ft.; and

WHEREAS, the zoning lot is divided into two tax lots, Lot 11 and Lot 12 (the subject lot), each occupied by a three-story semi-detached three-family dwelling; and

WHEREAS, the applicant states that each home has a width of 19'-0", a depth of 49'-6", and a floor area of 2,935.5 sq. ft.; and

WHEREAS, the applicant represents that the home on Lot 11 complies with all relevant zoning regulations and, thus is not included in the subject variance application; DOB issued a certificate of occupancy for the home on Lot 11 on December 1, 2006; and

WHEREAS, the applicant represents that the home on Lot 12 (the "Subject Building") complies with all relevant zoning regulations, except the side yard on the northern lot line; the applicant has not provided any side yard along the northern lot line and has provided a side yard with a width of 8'-0" along the southern lot line, adjacent to Lot 11 (side yards with minimum widths of 8'-0" are required at each side lot line, pursuant to ZR § 23-462), hence, the applicant requests the subject variance; and

WHEREAS, the Board notes that it need not make any determination as to whether the finding required under ZR § 72-21(a) is met, as this matter was remanded for a determination consistent with the Appellate Division's determination; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that an as-of-right development on the subject site (lot 12) would result in a building with a floor plate of 11'-0" in width, 49'-0' in depth, and a total of 539 sq. ft. in area; the applicant notes that such a floor plate would result in a building with an interior width of no more than 10'-0", before accounting for the loss of useable floor space for staircases, mechanical systems, and minimum bathroom sizes; and

WHEREAS, the applicant also notes that the feasibility study submitted with the original application, which the Board accepts, was based solely on floor area and did not take into consideration that a conforming floor plate was unmarketable; the applicant also states that the initial feasibility study did not take into consideration the demolition costs which would be incurred if the applicant were to demolish the Subject Building; and

WHEREAS, based upon the foregoing, and its review of the applicant's submissions, the Board has determined that there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the proposed legalization of the Subject Building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, specifically, the applicant states that the Subject Building is consistent with the attached and semi-detached dwellings that are characteristic of the neighborhood, and notes that there are no fewer than 50 of such buildings within a 400' radius of the site, ranging from two- to six-stories; the applicant also notes that the Subject Building mirrors the adjacent building, for which a Certificate of Occupancy was issued in 2006; the applicant continues that adjacent to the Subject Building is a six-story apartment building, and that across the street from the site are eight three-story, two-family attached dwellings similar to the Subject Building; and

WHEREAS, the Board has determined that the legalization of the Subject Building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, with respect to ZR § 72-21(e), the Board notes that the legalization of the Subject Building constitutes the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 72-21, to permit, in an R5 zoning district, the legalization of an existing semi-detached residential building that does not provide the required side yard, contrary to ZR §§ 23-462 and 23-49.; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 8, 2009"- Seven (7) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: three stories containing 5,858 sq. ft. of floor area (1.22 FAR), a total height of 32'-8", a wall height of 27'-0", a lot coverage of 41 percent, an Open Space Ratio of 58 percent, an 18'-0" front yard, a single 8'-0" side yard along the southern lot line, a 30'-0" rear yard, all as illustrated on the BSA-approved plans;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

189-09-BZ

APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.

SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.

PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 0001, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance, previously granted by the Board pursuant to ZR § 72-21, legalizing an existing Use Group 4 mosque and Sunday school, contrary to ZR §§ 42-00 and 43-12, and for an extension of time to complete construction and obtain a Certificate of Occupancy, which expired on May 10, 2015; and

WHEREAS, a public hearing was held on March 8, 2016, after due notice by publication in *The City Record*, with a continued hearing on June 21, 2016 and August 16, 2016, and then to decision on August 23, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommending approval of the subject application; and

WHEREAS, the application is brought on behalf of the Noor Al-Islam Society, a non-profit religious entity (the "Mosque"); and

WHEREAS, the subject site is located on the north side Richmond Terrace, west of Harbor Road, in an M3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 116 feet of frontage along Richmond Terrace, 12,555 sq. ft. of lot area, and is occupied by a five-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 10, 2011 when, under the subject calendar number, the Board granted a variance to permit the legalization and enlargement of an existing four-story plus basement mosque (Use Group 4) on condition that the building have 23,939 sq. ft. of floor area (1.19 FAR), a total height of 56'-6", a 17'-10" wide side yard along the western lot line, a 13'-7" wide side yard along the eastern lot line, a 34'-4" rear yard and seven (7) on-site parking spaces; and

WHEREAS, on the same date, under BSA Cal. No. 190-09-A, the Board granted a waiver of General City Law ("GCL") § 35 to legalize the portion of the existing building constructed partially within the bed of the mapped street; and

WHEREAS, by letter dated December 7, 2011, the Board approved modifications to the plans previously approved in conjunction with the variance, including the relocation of the existing interior stair to the back of the building and relocation of a proposed elevator in an enlargement at the southeast corner of the building; and

WHEREAS, the applicant presently seeks an amendment to the variance grant permitting modifications to the interior layout and an extension of time to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, the applicant seeks permission for the following internal changes: replacement of the boiler, the addition of a screening partition by the bathroom, closing off stair access to the bathroom and relocation of the elevator machine room in the basement; on the first floor, the installation of handicap bathroom access to both the men's and women's bathrooms, closing off stair access to the men's bathroom, and additions of a mechanical room and an elevator machine room; on the second floor, closing off stair access to the bathroom and the additions of a mechanical room and bathroom screening partition; on the third floor, the addition of a drinking fountain and close stair access to the bathroom; and on the fourth floor, the relocation of hall partitions and addition of a drinking fountain; and

WHEREAS, construction was to have been substantially completed pursuant to the variance grant by May 10, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that all internal construction has been completed and the only outstanding item is the installation of a fire escape; and

WHEREAS, the applicant states that construction is anticipated to be complete by the end of 2016, but requests an extension period of two (2) years in order to accommodate any unforeseen delays and allow adequate time to obtain a Certificate of Occupancy; and

WHEREAS, the Board notes that the Mosque has permission to use forty-three (43) parking spaces located on the adjacent Lot 20 pursuant to an easement executed with the owner of that lot and that the Board's 2011 Resolution issued under the subject calendar number was conditioned on the provision of seven (7) parking spaces provided at the site, for a total of fifty (50) on- and off-site parking spaces associated with the subject use and that such condition remains in effect; and

WHEREAS, the Fire Department originally recommended that sprinklers be installed throughout all

public spaces at the premises, but upon the applicant's submission that the envelope of the subject building is fireproof and that a modified fire alarm plan would provide as much, or more, protection as a sprinkler system, the Fire Department states, by letter dated July 8, 2016, that in lieu of sprinklers, the extension of the existing interior fire alarm—to include smoke and carbon monoxide detectors in all of the public spaces—would be satisfactory; and

WHEREAS, the applicant submits that there have been no substantial changes in the character and nature of the surrounding area since the grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 10, 2011, so that as amended this portion of the resolution reads: "to amend the variance to permit modifications to the interior layout and grant an extension of time to complete construction and obtain a Certificate of Occupancy to May 10, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received August 22, 2016"- 13 (Thirteen) sheets; and *on further condition*:

THAT manual and automatic fire alarms, partial smoke and carbon monoxide detectors shall be installed throughout the building in corridors, prayer areas, common office storage rooms and classrooms, as indicated on the BSA-approved plans;

THAT a parking attendant shall be provided for thirty (30) of forty-three (43) parking spaces located on the adjacent Lot 20, as indicated on the BSA-approved plans;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 23, 2016.

240-55-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for DLC Properties LLC, owner.

SUBJECT – Application December 24, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive repair facility (UG 16B) which is set to expired on November 3, 2018; Amendment (§11-413) to permit a change in use from automotive repair facility (UG 16B) to automotive sales (UG 9A); Extension of Time to Obtain a Certificate of Occupancy which expired on April 1, 2015; Waiver of the Rules to permit the filing for an Extension of Term in excess of 1 year prior to the expiration and for filing in excess of 30 day but less than 1 year of the expiration of the time to obtain a Certificate of Occupancy. C2-2/R6B & R4 zoning district.

PREMISES AFFECTED – 207-22 Northern Boulevard, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to October 18, 2016, at 10 A.M., for continued hearing.

374-71-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 205-11 Northern Boulevard LLC, owner.

SUBJECT – Application May 7, 2014 – Extension of Term of a previously granted Variance (72-21) for the continued operation of an automobile showroom with open display of new and used cars (UG16) with accessory customer and employee parking in a previously unused vacant portion of the premises which expired on July 18, 2011. C2-2 (R3-2) zoning district.

PREMISES AFFECTED – 205-11 Northern Boulevard, Block 06269, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

716-82-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP for Cigarette Realty Co., LLC, owner.

SUBJECT – Application November 9, 2015 – Extension of term of variance (72-21) which permitted retail stores, offices and accessory parking at the rear of the building which expired on June 13, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on June 13, 2003; Waiver of the Rules. C2-2/R6 & R4 zoning district.

PREMISES AFFECTED – 209-30 Northern Boulevard, Block 7309, Lot 15, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to October 18, 2016, at 10 A.M., for continued hearing.

818-85-BZ

APPLICANT – Herrick, Feinstein LLP for 119 Christopher LLC, owner.

SUBJECT – Application June 7, 2016 – Amendment to modify a condition to a previously approved Variance (§72-21) which permitted a retail (UG 6) on a portion of the ground floor of a 6-story multiple dwelling. The amendment seeks to re-instate the term of the variance which expired on August 12, 1996. Waiver of the Rules. R6 zoning district.

PREMISES AFFECTED – 119 Christopher Street, Block 619, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

109-93-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Barone Properties, Inc., owner.
SUBJECT – Application December 24, 2015 – Extension of Term of a previously approved Variance (72-21) permitting an eating and drinking establishment (UG 6) which expired on May 24, 2014; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 189-11 Northern Boulevard, Block 5365, Lot 5, Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

65-94-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for KGH Realty Corp., owner.
SUBJECT – Application March 7, 2016 – Extension of Term of a previously approved Variance (§72-21) which permitted an enlargement contrary to side yard regulations and community facility (UG 4) on the ground and cellar floors and commercial offices (UG 6) in the garage which expired on March 5, 2016. R4B zoning district.
PREMISES AFFECTED – 144-02 Jewel Avenue, Block 6642, Lot 2, Borough of Queens.
COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

2016-1218-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Georgiana L. DiMauro Living Trust, owner; FAS Building Corp., lessee.
SUBJECT – Application February 10, 2016 – To permit the proposed development consisting of a two-story building with warehouse use (UG 16) on the ground floor and office use (UG 6) on the upper floor contrary Article 3 Section 36 of the General City Law. M1-1 (SRD) zoning district.
PREMISES AFFECTED – 97 Storer Avenue, Block 7311, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated January 11, 2016 acting on DOB Application No. 520258603, reads in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of a commercial building which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on June 21, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 2, 2016 and then to decision on August 23, 2016; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the south side of Storer Avenue, between Arthur Kill Road and Carlin Street, in an M1-1 zoning district, in the Special South Richmond Development District, on Staten Island; and

WHEREAS, the site has approximately 80 feet of frontage along Storer Avenue, 80 feet of frontage along Lundsten Avenue, a depth of 100 feet, and 8,000 sq. ft. of lot area; and

WHEREAS, the applicant proposes to develop the site with a two-story building with a total of 7,983 sq. ft. of floor area (0.99 FAR) with warehouse use (Use Group 16) on the ground floor and office (Use Group 6) on the second floor and seven parking spaces; and

WHEREAS, the applicant seeks the subject relief

because the proposed two-story building will front on both Storer Avenue and Lundsten Avenue, neither of which are duly placed on the official map of the City of New York; and

WHEREAS, the site will be accessed by a 22 foot curb cut on Storer Avenue, which the applicant represents is paved and improved to a width of between 33 feet and 53 feet and has been recognized by a Corporation Counsel Opinion ("CCO"), dated January 31, 1991; and

WHEREAS, by letter dated May 5, 2016, the Fire Department stated that it objected to the application because of incomplete plans which failed to indicate the number of entrances to the building and their location, that the building would be fully sprinklered, and the location of the hydrant for Fire Department use to supply the Siamese connection; and

WHEREAS, in response to the Fire Department's objection, the applicant amended the plans to indicate the four entrances to the proposed building, that the building will be sprinklered, and note a proposed hydrant located on Storer Avenue; and

WHEREAS, at hearing, the Fire Department stated that the revised plans were responsive to their concerns and that they no longer objected to the approval of the application; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB dated January 11, 2016 acting on DOB Application No. 520258603, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received August 23, 2016"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall be sprinklered, as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

163-14-A thru 165-14-A

APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.

SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.

PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.

COMMUNITY BOARD #1M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to September 13, 2016, at 10 A.M., for decision, hearing closed.

167-15-A

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Francesco Veltri, owner.

SUBJECT – Application July 28, 2015 – Application filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") requesting to vary MDL 171(2)(a) to permit a partial one story vertical enlargement of an existing building. R10A zoning district.

PREMISES AFFECTED – 137 West 86th Street, north side of West 86th between Columbus and Amsterdam Avenues, Block 1217, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for decision, hearing closed.

238-15-A thru 243-15-A

APPLICANT – Jeffrey Geary, for Ed Sze, owner.

SUBJECT – Application October 8, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district.

PREMISES AFFECTED – 102-04, 08, 12, 16, 20, 24 Dunton Court, Block 14240, Lot(s) 1306, 1307, 1308, 1309, 1310, 1311, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

2016-4155-A thru 2016-4162-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Van Pelt Development LLC, owner.

SUBJECT – Application March 31, 2016 – To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.

PREMISES AFFECTED – 1,5,9,15,19,23,27,31 Montana Court, Block 1196, Lot (s) 196, 197, 198, 199, 42, 41, 200,

201, Borough of Staten Island.

COMMUNITY BOARD #1SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

269-14-BZ

CEQR #15-BSA-095Q

APPLICANT – Gerald J. Caliendo, RA, AIA, for 89-40 Realty LLC/Yaron Rosenthal, owner; Sun Star Services, lessee.

SUBJECT – Application November 3, 2014 – Special Permit §73-36) to permit the physical culture establishment *(Massage Envy Spa)* on the first floor level of an existing commercial building in a C2-2 in R4 zoning district.

PREMISES AFFECTED – 89-44 Metropolitan Avenue, southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 03872, Lot 33, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated October 3, 2014, acting on Department of Buildings Application No. 421013735, reads in pertinent part:

> "Proposed Physical Cultural Establishment requires BSA approval as per Section: 73-36 ZR";

and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site partially located within an R4 (C2-2) zoning district and partially located within an R4-1 zoning district, the operation of a physical culture establishment (PCE) in one-story plus cellar commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 18, 2015 after due notice by publication in *The City Record*, with continued hearings on April 26, 2016 and July 19, 2016 and then to decision on August 23, 2016; and

WHEREAS, Community Board 5, Queens, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Metropolitan Avenue and Aubrey Avenue, partially within an R4 (C2-2) zoning district and partially within an R4-1 zoning district, in Queens; and

WHEREAS, the site has approximately 76 feet of frontage along Metropolitan Avenue, 151 feet of frontage along Aubrey Avenue, 18,360 sq. ft. of lot area, and is occupied by a one (1) story plus cellar commercial building; and

WHEREAS, the subject PCE occupies 3,108 sq. ft. of floor area on the ground floor of the existing building on the portion of the site located entirely in an R4 (C2-2) zoning district; and

WHEREAS, the PCE has been in operation as Massage Envy Spa since December 20, 2014; and

WHEREAS, the applicant represents that the facility includes a reception area, lounge, office space, locker rooms, and massage rooms; and

WHEREAS, the applicant also represents that all massages are performed by New York State licensed therapists; and

WHEREAS, the PCE's hours of operation are: Monday through Friday 9:00 a.m. to 9:00 p.m., Saturday 9:00 a.m. to 8:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHERAS, the applicant represents that an approved interior fire alarm—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and connection to an FDNY-approved central station—has been installed in the entire PCE space and that an application for said alarm has been filed with the Department of Buildings ("DOB") but is yet to be approved; and

WHEREAS, the applicant submitted that it will obtain DOB approval of the installed interior fire alarm upon approval of the subject application; and

WHEREAS, by letter dated September 3, 2015, the Fire Department states that it has no objections to the approval of this application; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the

evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15BSA095Q, dated November 3, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site partially located within an R4 (C2-2) zoning district and partially located within an R4-1 zoning district, the operation of a physical culture establishment in one-story plus cellar commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 23, 2016"- Eight (8) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring December 20, 2024;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT all massages shall be performed only by New York State licensed massage professionals;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

156-15-BZ
CEQR #16-BSA-002M

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Pamela Equities Corp., owner; NYHRC, lessee.

SUBJECT – Application July 8, 2015 – Special Permit (73-36) to reestablish a special permit to allow an existing physical culture establishment ("*NYHRC*") within a portion of an existing eleven story commercial building located in a C5-2(MID) and C5-2(MID) zoning district.

PREMISES AFFECTED – 18/20 East 50th Street, Block 1285, Lot 59, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 8, 2015, acting on Department of Buildings Application No. 121478855, reads in pertinent part:

> "The proposed physical culture establishment in C5-2 and C5-2.5 (MID) zoning districts is contrary to section ZR 32-10 of the zoning resolution"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to re-establish, on a site located partially within a C5-3 zoning district and partially within a C5-2.5 zoning district, in the Special Midtown District, the operation of a physical culture establishment (PCE) in an eleven-story plus cellar commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 28, 2016, after due notice by publication in *The City Record*, and then to decision on August 23, 2016; and

WHEREAS, Community Board 5, Manhattan, waived its recommendation on this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the south side of East 50th Street, between Madison Avenue and Fifth Avenue, partially within a C5-3 zoning district and partially within a C5-2.5 zoning district, in the Special Midtown District, in Manhattan; and

WHEREAS, the site has approximately 56 feet of frontage along East 50th Street, 5,640 sq. ft. of lot area, and is occupied by an eleven-story plus cellar commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 27, 1976 when, under BSA Cal. No. 406-76-BZ, the Board granted a variance permitting a change in use of the basement, first floor, second floor and mezzanine at the existing building from art and auction galleries into a health establishment for a period of six (6) months; and

WHEREAS, on January 24, 1978 and November 14, 1978, under BSA Cal. No. 406-76-BZ, the Board granted extensions of the term for the variance, the latter of which expired November 14, 1983; and

WHEREAS, on May 1, 1984, under BSA Cal. No. 406-76-BZ, the Board granted an extension of term for the use, previously established as a variance, under the special permit provision of ZR § 73-36 allowing the continued use of the established PCE for a period of five (5) years,

expiring November 14, 1988; and

WHEREAS, on July 16, 1985, under BSA Cal. No. 406-76-BZ, the Board granted an extension of time to obtain a Certificate of Occupancy to May 1, 1986; and

WHEREAS, on November 8, 1989, under BSA Cal. No. 406-76-BZ, the Board extended the term of the special permit for an additional five (5) years, expiring November 14, 1993; and

WHEREAS, on April 28, 1992, under BSA Cal. No. 406-76-BZ, the Board amended the special permit to allow the enlargement of the existing PCE to the third floor and roof of the building; and

WHEREAS, the applicant represents that no further extension of the special use permit was obtained upon its expiration on November 14, 1993 and that the most recent Certificate of Occupancy was issued in March 5, 1992; and

WHEREAS, nevertheless, the subject PCE use has operated at the premises uninterrupted since the Board's 1976 grant and the applicant now seeks a new special permit to allow its continued use; and

WHEREAS, the subject PCE occupies a total of 17,504 sq. ft. of floor area in the existing building consisting of 3,089 sq. ft. of floor space in the cellar, 3,694 sq. ft. of floor area on the first floor, 4,029 sq. ft. of floor area on the mezzanine, 4,203 sq. ft. of floor area on the second floor, 4,205 sq. ft. of floor area on the third floor and 1,373 sq. ft. of floor area on the roof; and

WHEREAS, the facilities at the cellar include a swimming pool, locker rooms, and spa facilities; the first floor features additional locker rooms, a lobby and office space; additional locker rooms, cardiovascular exercise machines and massage rooms are located on the mezzanine level; open exercise area and exercise rooms are on the second floor; additional cardiovascular exercise equipment and a free weight area are on the third floor; and two squash courts are located on the roof; and

WHEREAS, the PCE has been in operation as New York Health and Racquet Club since the 1976; and

WHEREAS, the PCE's hours of operation are: Monday to Friday 6:00 a.m. to 10:00 p.m. and Saturday 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated August 15, 2016, the Fire Department states that the interior fire alarm and sprinkler system are installed, approved and functional at the premises and that they have no objection to the approval of the application; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA002M, dated July 8, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to re-establish, on a site located partially within a C5-3 zoning district and partially within a C5-2.5 zoning district, in the Special Midtown District, the operation of an existing physical culture establishment in an eleven-story plus cellar commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 27, 2016"- Nine (9) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on August 23, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by August 23, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

2016-1210-BZ
CEQR #16-BSA-067R

APPLICANT – Philip L. Rampulla, for Hylan Ross, LLC,

owner; KTN Hylan, LLC, lessee.
SUBJECT – Application January 14, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Retro Fitness*) on the second floor of an existing commercial building. C4-1 zoning district.
PREMISES AFFECTED – 2590 Hylan Boulevard, Block 3969, Lot 57, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated August 10, 2016, acting on Department of Buildings Application No. 520260342, reads in pertinent part:

> "Proposed change of second floor use to a physical cultural or health establishment as defined by ZR 12-10 is contrary to ZR 32-10 in C4-1 zoning district must be referred to the Board of Standards and Appeals for approval . . ."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 28, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 2, 2016, and then to decision on August 23, 2016; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the east side of Hylan Boulevard, between Ebbitts Street and New Dorp Lane, in a C4-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 260 feet of frontage along Hylan Boulevard, a depth of 400 feet, and 104,000 sq. ft. of lot area; and

WHEREAS, three separate buildings are currently under construction on the site: two one-story commercial buildings and one two-story commercial building; and

WHEREAS, the proposed PCE will occupy 15,588 sq. ft. on the second floor of the two-story commercial building currently under construction at the premises; and

WHEREAS, the applicant proposes to utilize the 15,226 sq. ft. of floor area on the first floor of the building for Use Group 6 commercial uses;

WHEREAS, the PCE will be operated as Retro Fitness; and

WHEREAS, the applicant represents that the PCE space will include facilities for physical fitness training including cardiovascular exercise machines, a free weights area, tanning rooms and a juice bar; and

WHEREAS, the PCE space will be accessible by both stairs and an elevator from a dedicated entrance located at grade on the first floor of the building; and

WHEREAS, the applicant represents that the number of parking spaces required for the subject two-story building pursuant to ZR § 36-21 will be provided by an at-grade and a below-grade parking lot, located beneath the subject building, and that PCE members will be instructed to use the underground parking lot and access the subject PCE via the elevator; and

WHEREAS, the proposed hours of operation for the PCE are: continuously from 4:30 a.m. on Monday to midnight on Friday, Saturday 4:30 a.m. to midnight and Sunday 5:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted plans indicating that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to an FDNY-approved central station—shall be installed throughout the entire PCE space; and

WHEREAS, the applicant additionally notes that the PCE space will be fully sprinklered; and

WHEREAS, by letter dated June 24, 2016, the Fire Department states that it has no objection to the approval of this application; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the applicant represents that rubber mats and hung ceiling construction throughout the PCE space and an acoustical ceiling will be installed in the first floor ceiling as sound attenuation measures; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No.16BSA067R, dated January 14, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules

of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 27, 2016"- Six (6) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring August 23, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT an approved interior fire alarm system shall be installed as indicated on the Board-approved plans;

THAT the PCE space shall be fully sprinklered;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

2016-4132-BZ
CEQR #16-BSA-086M

APPLICANT – Howard A. Zipser, Esq., for 513 West 26th Realty, LLC, owner; Avenue World Holdings LLC, lessee.
SUBJECT – Application March 7, 2016 – Special Permit (§73-19) to allow for a school (*Avenues: The World School*) to be located on the fourth (4th) floor of an existing building contrary to use regulations (§§42-12 & 42-14). M1-5 (Special West Chelsea) zoning district.
PREMISES AFFECTED – 513 & 515-519 West 26th Street, Block 698, Lot 18, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated March 4, 2016, acting on Department of Buildings Application No. 110175300, reads in pertinent part:

> The proposed Use Group 3A is not permitted within an M1-5 district, contrary to ZR 42-12 and ZR 42-14; and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site within an M1-5 zoning district, within the Special West Chelsea District, within the West Chelsea Historic District, the operation of a Use Group 3A school within a seven-story commercial building, contrary to ZR §§ 42-10 and 42-14; and

WHEREAS, the application is filed on behalf of Avenues World Holdings LLC (the "Lessee"), the lessee of the subject portion of the subject site, in order to permit Avenues: The World School (the "School") to operate some of its program on the site, pending the construction of the School's new facility at 540 West 26th Street, Manhattan, which is being constructed pursuant to a special permit issued by the Board on September 22, 2015, under BSA Cal. No. 61-15-BZ; and

WHEREAS, a public hearing was held on this application on July 19, 2016, after due notice by publication in the *City Record*, and then to decision on August 23, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the applicant states that the subject site has 263 feet of frontage along the north side of West 26th Street, between 10th Avenue and 11th Avenue, within an M1-5 zoning district, within the Special West Chelsea District, within the West Chelsea Historic District, in Manhattan; and

WHEREAS, the applicant states that the site has a lot area of 25,971 sq. ft.; the site is abutted by an open area, to the east (and the High Line's elevated structure, further east along West 26th Street) and a commercial building, to the west; and

WHEREAS, the applicant notes that the subject site is located diagonally across and approximately 200 feet from the School's main campus building, which is located at 259 10th Avenue, in Manhattan (the "Main Campus"); and

WHEREAS, the site is currently occupied by four buildings; the subject building, which is known as and located at 519 West 26th Street (the "519 Building"), the building known as and located at 521 West 26th Street (a nine-story office building), the building known as and located at 525 West 26th Street (a five-story office building), and the building known as and located at 533 West 26th Street, a one-story art gallery); and

WHEREAS, the applicant states the Certificate of Occupancy for the 519 Building states that 513, 515, and 519 West 26th Street are a single building, notwithstanding that the building known as 513 West 26th Street has a distinct Building Identification Number from that of 515-519 West 26th Street; the applicant states that both Building Identification Numbers

are linked to the same Certificate of Occupancy and that the eastern (513 West 26th Street) and western (515-519 West 26th Street) portions of the 519 Building constitute a single building under the ZR § 12-10 definition of building; and

WHEREAS, the applicant states that the eastern portion of the 519 Building, which has a width of 15'-6", is four stories in height, and that the western portion of the 519 Building, which has a width of 61'-10", is seven stories in height; the applicant states that the two portions of the 519 Building are connected via passageways at the cellar level, second, third, and fourth floors; and

WHEREAS, the School proposes to use the entire fourth floor of the 519 Building (the "Temporary School Space"), for a two-year period; the Temporary School Space contains 7,096 sq. ft. of floor area; and

WHEREAS, the applicant represents that the School will be the sole occupant of the Temporary School Space, which, the applicant states, is served by two egress stairs capable of accommodating 180 persons on each floor of the 519 Building; the applicant states that the School Space is also served by an ADA-compliant elevator accessed from the ground floor lobby of the 519 Building; the applicant states that, evidenced by an inspection conducted on June 10, 2016, the sprinkler system for the 519 Building is in good order; and

WHEREAS, the applicant states that interior alterations of the Temporary School Space are authorized by the New York City Landmarks Preservation Commission pursuant to Certificate of No Effect # 18-5562, issued on May 6, 2016; and

WHEREAS, as noted in the resolution pursuant to which the special permit for the School's new facility at 540 West 26th Street was issued, the School's initial enrollment was 749 students, its current enrollment is approximately 1,375 students, and its projected enrollment within the next ten years is 2,120 students; in order to meet its programmatic needs and accommodate its current and projected enrollment, the School will eventually occupy, in addition to the Main Campus, a five-story portion of the new facility at 540 West 26th Street, which will contain approximately 64,437 sq. ft. of floor area; the applicant states that pending the construction of the permanent facility at 540 West 26th Street, the School, in order to accommodate its immediate programmatic needs, must utilize the Temporary School Space for a two-year period; specifically, the applicant notes that School's enrollment will exceed the capacity of its Main Campus during the 2016/2017 school year and, therefore, the School requires additional temporary upper school seminar rooms which the Main Campus cannot accommodate; and

WHEREAS, the applicant represents that the Temporary School Space will include six classrooms, bathrooms, four offices, common areas, two terraces (which shall remain locked) and mechanical space; the applicant also represents that the Temporary School Space is the minimal amount of expanded classroom space the School requires; and

WHEREAS, the applicant states that up to 120 students are expected to utilize the Temporary School Space during the five-day school week between the hours of 7:30 a.m. and 3:50 p.m., and that only upper school students in grades 9 through 12 will use the Temporary School Space; and

WHEREAS, the applicant states further that the School's use of the Temporary School Space and the 519 Building will be discontinued within two school years of the issuance of the subject special permit; and

WHEREAS, the applicant states that the School has developed security measures regarding its use of the 519 Building and Temporary School Space; the applicant submitted, and the Board reviewed, a Security Protocol, dated July 27, 2016 (the "Security Protocol"), outlining those measures, as well as measures taken to ensure the safety of students travelling between the Main Campus and the 519 Building; and

WHEREAS, as set forth in the Security Protocol, the applicant states that students at the 519 Building will be segregated from other users of the building by limiting the flow of students in and out of the building, by security guards who will be located at three posts within the 519 Building, and by installing cameras, locks, and alarms throughout the 519 Building; and

WHEREAS, the applicant notes that the School employs a crossing guard dedicated to the crosswalk crossing West 26th Street at its intersection with the west side of 10th Avenue; the applicant states that the crossing guard will monitor and direct students crossing West 26th Street at 10th Avenue or any other avenue when traveling between the 519 Building and the Main Campus; and

WHEREAS, the applicant also notes that radio communication between the guards at the 519 Building and the Main Campus, as well as the crossing guard, will be maintained; and

WHEREAS, the applicant represents that the proposal meets the requirements of the special permit under ZR § 73-19 to permit a school in an M1-5 zoning district; and

WHEREAS, ZR § 73-19 states that:

> In C8 or M1 Districts, the Board of Standards and Appeals may permit *schools* which have no *residential* accommodations except *accessory* accommodations for a caretaker, provided that the following findings are made:
>
> (a) that within the neighborhood to be served by the proposed *school* there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;
>
> (b) that such *school* is located not more than 400 feet from the boundary of a district wherein such *school* is permitted as of right;
>
> (c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-*residential districts* is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along *lot lines* of the *zoning lot*;
>
> (d) that the movement of traffic through the *street* on which the *school* is located can be controlled so as to protect children going to and

from the *school*. The Board shall refer the application to the Department of [Transportation] for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

The Board may prescribe additional appropriate conditions and safeguard to minimize adverse effects on the character of the surrounding area; and

WHEREAS, as to the threshold issue of whether the School qualifies as a School for purposes of ZR § 73-19, the Board notes its resolution under BSA Cal. No. 61-15-BZ, and the School's representation therein that it meets the ZR § 12-10 definition of "school" because it provides full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law; the Board also notes that it is in receipt of copies of the School's Certificate of Amendment (amending its Certificate of Organization) as well as a letter of acknowledging the School's Basic Educational Data System Code number; and

WHEREAS, thus, the Board finds that the School is a school for purposes of ZR § 73-19; and

WHEREAS, with respect to ZR § 73-19(a), an applicant must demonstrate its inability to obtain a site for the development of a school within the neighborhood to be served, and with a size sufficient to meet the programmatic needs of the school, within a district where the school is permitted as-of-right; and

WHEREAS, with respect to the neighborhood to be served, the Applicant maintains, and the Board accepts, that the proposed school use must be in close proximity to the Main Campus; and

WHEREAS, as noted above, the applicant states that the Temporary School Space is required to accommodate the immediate enrollment of the School during the construction of the new facility at 540 West 26th Street; and

WHEREAS, the applicant also states that it has a programmatic need for space with specialized classrooms as well as common areas, both of which, the applicant states, are met by the open layout of the Temporary School Space; and

WHEREAS, the applicant states, and the Board accepts, that the Temporary School Space is the minimum space in which the School can accommodate its enrollment and the programmatic needs of its upper school students; and

WHEREAS, the Board finds that the size and configuration of the Temporary School Space are justified by its programmatic needs; and

WHEREAS, the Applicant represents that the School conducted a survey of the surrounding area to analyze potential sites for the Temporary School Space; the applicant states that of the sites evaluated, eleven were located in commercial or residential districts where a school use is allowed as-of-right; and

WHEREAS, the applicant states that the foregoing as-of-right sites were unsuitable for the Temporary School Space, either because of cost, layout, distance from the Main Campus, or availability; and

WHEREAS, thus, the applicant maintains that there is no practical possibility of obtaining a site of adequate size in a nearby zoning district where a school would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (a) are met; and

WHEREAS, ZR § 73-19 (b) requires an applicant to demonstrate that the proposed school use is located no more than 400 feet from the boundary of a district in which such a school is permitted as-of-right; and

WHEREAS, the applicant states that the 519 Building is located on a zoning lot 90 feet from the neighboring C6-3 zoning district boundary line and that the entire site is within 400 feet of said C6-3 zoning district; the applicant notes that school uses are permitted as-of-right in C6-3 zoning districts; and

WHEREAS, the Applicant submitted a radius diagram which reflects that the subject site is adjacent to a C6-3 zoning district; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (b) are met; and

WHEREAS, ZR § 73-19 (c) requires an applicant to demonstrate how it will achieve adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district; and

WHEREAS, the applicant notes that Temporary School Space is surrounded by galleries, offices, and other establishments are permitted in commercial districts and which do not create the types and levels of noise generally associated with manufacturing districts; and

WHEREAS, the applicant also notes that the Temporary School Space is located on the fourth floor of the 519 Building, which fronts on West 26th Street, a narrow street with low a low volume of traffic; and

WHEREAS, the applicant states that peak exterior noise levels at the site are below 70 dBA, and notes that the CEQR Technical Manual recommends that buildings with school uses should be designed to maintain interior noise levels of 45 dBA or lower; the applicant also states that the 519 Building will provide sufficient noise reduction to keep interior noise levels below 45 dBA; specifically, the applicant maintains that the interior sound levels of the Temporary School Space will be 41 decibels or lower; and

WHEREAS, the Board finds that the conditions surrounding the site and the Temporary School Space will adequately separate the proposed school use from noise, traffic and other adverse effects of any of the uses within the surrounding M1-5 zoning district; thus, the Board finds that the requirements of ZR § 73-19 (c) are met; and

WHEREAS, ZR § 73-19 (d) requires an applicant to demonstrate how the movement of traffic through the street on which the school will be located can be controlled so as to protect children traveling to and from the school; and

WHEREAS, as noted above, and as set forth in the Security Protocol, the applicant states that upper school students (grades 9-12, ages 15-18) will walk the approximately 200 feet from the Main Campus to the 519 Building without crossing any avenue and along streets routinely travelled by

students of the School; the applicant notes that the school will continue to employ crossing guards to supervise and control West 26th Street crossings; and

WHEREAS, the Board finds that the requirements of ZR § 73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-19; and

WHEREAS, the 519 Building was used as a factory before it was converted to its existing office and gallery use; because of the previous factory use of the 519 Building, the Board requested that the Lessee prepare a Phase I Environmental Site Assessment of the site and that the applicant discuss any potential adverse impacts relating to hazardous materials at the site; and

WHEREAS, the Phase I ESQ identified two recognized environmental conditions associated with the subject site; specifically (1) the potential for subsurface impacts related to the previous manufacturing and auto-repair tenants at the site; and (2) a New York State Department of Environmental Conservation Spill No. (NYSDEC Spill No. 04-07873) which was assigned to the site and which is attributable to a gasoline contaminated soils below the site; and

WHEREAS, by letter dated August 19, 2016, the applicant's environmental consultant explained that it visited the site and conducted an analysis of the indoor air at the 519 Building for volatile organic compounds (VOCs) which may exist as a result of the environmental conditions at the site; and

WHEREAS, the applicant's environmental consultant states that it screened the air within the lowest point of the 519 Building for VOCs and that no VOCs were detected (greater than one part per million); the applicant's environmental consultant also states the basement slabs were visually inspected for cracks or compromise in order to determine if any preferential pathways existed that may contribute to a potential vapor encroachment condition within the 519 Building, and that the slabs were observed to be in good condition with no evidence or cracking or compromise; and

WHEREAS, the applicant's environmental consultant also states that there are no asbestos-containing materials within the area of the renovation of the Temporary School Space, nor any lead based paint or suspected polychlorinated biphenyl containing building materials likely present in the Temporary School Space;

WHEREAS, based upon the foregoing, the applicant's environmental consultant concluded that granting the special permit and altering the Temporary School Space as per the applicant's proposal will not result in any adverse impacts relating to hazardous materials; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the Board finds that the proposed use of the Temporary School Space will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-03; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. No.16BSA086M, dated February 23, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-19 and 73-03 and grants a special permit, to allow, on a site within an M1-5 zoning district, within the Special West Chelsea District, within the West Chelsea Historic District, the operation of a Use Group 3A school within a seven-story commercial building, contrary to ZR §§ 42-10 and 42-14; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 4, 2016 " – Nineteen (19) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT any change in the operator of the school requires approval by the Board;

THAT the basement slab not be disturbed during the term of occupancy of the school;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT substantial construction be completed in accordance with ZR § 73-70;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

2016-4135-BZ
CEQR #16-BSA-089M
APPLICANT – Bryan Cave, LLP, for EBRA Pine Master Tenant, LLC, owner.
SUBJECT – Application March 11, 2016 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*La Palestra*) in portions of the basement and sub-cellar levels of an existing building. C5-5 (LM) zoning district.
PREMISES AFFECTED – 70 Pine Street, Block 41, Lot 7504, Borough of Manhattan.
COMMUNITY BOARD #1M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated February 16, 2016, acting on Department of Buildings ("DOB") Application No. 122673776, reads in pertinent part:

> "A Physical Culture Establishment in zoning district C5-5 is not permitted as of right. A Special Permit is required . . . ."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in a C5-5 zoning district, in the Special Lower Manhattan District, the operation of a physical culture establishment (PCE) in a 66-story mixed use commercial and residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 12, 2016, after due notice by publication in *The City Record*, and then to decision on August 23, 2016; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of the intersection of Pine Street and Pearl Street, in a C5-5 zoning district, in the Special Lower Manhattan District, in Manhattan; and

WHEREAS, the site has approximately 248 feet of frontage along Pine Street, 120 feet of frontage along Pearl Street, 257 feet of frontage along Cedar Street, 32,278 sq. ft. of lot area, and is occupied by a 66-story building, known as the Cities Service Building; and

WHEREAS, the subject building was designated a landmark by the New York City Landmark Preservation Commission ("LPC") and is currently being converted from offices to mixed commercial and residential use, with retail uses on the first, basement and cellar floor levels; hotel use on floors 2 through 6, and residential use on floors 7 through 61; and

WHEREAS, the building currently contains an accessory gym on the basement and sub-cellar levels for the exclusive use of hotel guests and building residents; and

WHEREAS, the applicant seek the subject special permit in order to convert the existing accessory gym to a PCE with the addition of no more than 100 new members of the general public; and

WHEREAS, the proposed PCE will occupy 7,592 sq. ft. of floor area on the basement level and 7,140 sq. ft. of floor space in the sub-cellar level of the subject building; and

WHEREAS, the proposed PCE will be operated as La Palestra; and

WHEREAS, the applicant represents that the PCE space will include reception areas, offices, locker rooms, steam rooms, group exercise rooms, treatment rooms and aerobic, cardiovascular and strength training equipment; and

WHEREAS, the applicant submits that space at the facility will be available for the provision of physical and massage therapy services by on-call independent contractors; and

WHEREAS, the basement level of the proposed PCE space will be accessible by stairs from the Pine Street entrance to the building as well as by a dedicated passenger elevator from the first floor of the building that will provide service to the PCE only; and

WHEREAS, the sub-cellar level of the proposed PCE space will be accessible only by the dedicated elevator from the first floor of the building; and

WHEREAS, the proposed hours of operation for the PCE are: 5:30 a.m. to 10:00 p.m. seven days a week; and

WHEREAS, the applicant represents that the basement level of the PCE is adjacent to retail uses, but that music will be maintained at a low volume and rubber sports matting will be utilized on both levels of the proposed PCE in order to mitigate any noise and/or vibrations resulting from the use; and

WHEREAS, additionally, the applicant notes that the proposed PCE is buffered from the hotel use, which starts on the second floor of the building, by the lobby and retail uses located on the first floor; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted fire alarm plans for the sub-cellar, basement and first floor levels of the subject building indicating that a fire alarm system—including automatic smoke detectors, door release, elevator recall, sprinkler system water flow monitoring and connection to an FDNY-approved central station—has been installed throughout the proposed PCE space and approved by the Fire Department; and

WHEREAS, the applicant has additionally submitted a

DOB inspection report indicating that a sprinkler system installed on the sub-cellar, basement and first floor levels of the subject building has passed DOB inspection; and

WHEREAS, on November 26, 2012, the New York City Landmarks Preservation Commission ("LPC") issued Certificate of No Effect No. 13-8208, expiring November 28, 2016, for work at the premises which includes interior alterations at all floors of the building; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA089M, dated March 11, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C5-5 zoning district, in the Special Lower Manhattan District, the operation of a physical culture establishment (PCE) in a 66-story mixed use commercial and residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 11, 2016"- Two (2) sheets, "Received June 23, 2016"- Three (3) sheets and "Received July 7, 2016"- Two (2) sheets and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring August 23, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT all massages shall be performed only by New York State licensed massage professionals;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 23, 2016.

11-15-BZ

APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.

SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.

PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

92-15-BZ

APPLICANT – Eric Palatnik, P.C., for Buffalo Avenue Realty Associates, LLC, owner.

SUBJECT – Application April 23, 2015 – Variance (§72-21) proposed redevelopment of existing Use group hospital with the use of USG3 nursing home and sky exposure plain. R6 zoning district.

PREMISES AFFECTED – 170 Buffalo Avenue, between St. Marks Avenue and Prospect Place, Block 1362, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for decision, hearing closed.

236-15-BZ

APPLICANT – Sheldon Lobel, P.C., for George Acquisition LLC, owner.

SUBJECT – Application October 7, 2015 – Variance (§72-21) to permit the development of a two-story and cellar commercial building contrary to minimum front yard requirements. M1-4D zoning district.

PREMISES AFFECTED – 1677 George Street, Block 3551, Lot 68, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for adjourned hearing.

247-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Dom Ben Realty Corp., owner; IMAX Fit LLC, lessee.
SUBJECT – Application October 19, 2016– Special Permit (73-36) to allow the operation of a physical culture establishment (*IMAX Fit*) on portion of the ground floor. MX-2 within Ml-4/R8A zoning district.
PREMISES AFFECTED – 135 Plymouth Street, Block 18, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to October 18, 2016, at 10 A.M., for deferred decision.

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 23, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

2016-4164-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mark M. Papa and Chana S. Papa, owners.
SUBJECT – Application April 6, 2016 – Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); side yard requirements (§§23-461 & 23-48) and less than the required rear yard (§23-47). R3-2 zoning district.
PREMISES AFFECTED – 1744 East 29th Street, Block 6811, Lot 22, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

2016-4180-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Dennis Tuohey, owner.
SUBJECT – Application April 27, 2016 – Special Permit (§73-621) for the enlargement of an existing single family home contrary to floor area and lot coverage (ZR 23-141). R2A zoning district.
PREMISES AFFECTED – 87-25 252nd Street, Block 8645, Lot 12, Borough of Queens.
COMMUNITY BOARD #13Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director

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BULLETIN

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2016-4243-BZ
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2016-4245-A
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2016-4246-A
4006 Manhattan Avenue, , Block 07024, Lot(s) 121, Borough of **Brooklyn, Community Board: 13**. Proposed construction of a single family residential building not fronting on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district district.

2016-4247-A
4008 Manhattan Avenue, , Block 07024, Lot(s) 120, Borough of **Brooklyn, Community Board: 13**. Proposed construction of a single family residential building not fronting on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district district.

2016-4248-A
4010 Manhattan Avenue, , Block 07024, Lot(s) 122, Borough of **Brooklyn, Community Board: 13**. Proposed construction of a single family residential building not fronting on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district district.

2016-4249-BZ
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2016-4250-BZ
133 East 58th Street, located on the north side of 58th Street, 80' feet norht of the corner formed by the intersection of Lexington Avenue and 58th Street., Block 01313, Lot(s) 14, Borough of **Manhattan, Community Board: 5**. Special Permit (§73-36) to permit the operation of a physical culture establishment (Transform Fitness) an existing building. C5-2) zoning district. C5-2 district.

2016-4251-BZ
626 Sheepshead Bay Road, interior lot fronting on the south side of Sheepshead Bay Road between West 8th and West 6th Streets., Block 07279, Lot(s) 6, Borough of **Brooklyn, Community Board: 13**. Special Permit (§73-44) to permit the reduction of required accessory off-street parking spaces for ambulatory diagnostic and treatment health care facility use (UG 4A) and office use (UG 6B). C8-2 (Special Ocean Parkway District) zoning district. C8-2 (SOPD) district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
OCTOBER 14, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Friday morning, October 14, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

74-07-BZ
APPLICANT – Fried, Frank, Harris, Shriver & Jacobson LLP, for Trustees of the Congregation Shearith Israel of the City of New York, owner.
SUBJECT – Application June 16, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting a nine (9) story residential/community facility building contrary to regulations for lot coverage (§24-11), rear yard (§24-36), base height, building height and setback (§23-633) and rear setback (§23-663) which expired on January 22, 2016; Amendment to the approved plans; Waiver of the Rules. R8B and R10A districts.
PREMISES AFFECTED – 6-10 West 70th Street, Block 1122, Lot(s) 36 & 37, Borough of Manhattan.
COMMUNITY BOARD #7M

REGULAR MEETING
OCTOBER 14, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Friday afternoon, October 14, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

237-15-BZ
APPLICANT – Law Office of Fredrick A. Becker, for 80 North LLC, owner; MYNYC Partners LLCdba Modo Yoga, lessee.
SUBJECT – Application October 8, 2015 – Special Permit (§73-36) to permit the operation of a physical Culture Establishment (*Modo Yoga*). M1-2/R6A zoning district.
PREMISES AFFECTED – 109 Metropolitan Avenue aka 80 North 3rd Street, Block 2358, Lot 4, Borough of Brooklyn.
COMMUNITY BOARD #1BK

2016-4124-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for CAB Bedford LLC, owner; Equinox Bedford Avenue, Inc., lessee.
SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. M1-2/R6B (MX-8) zoning district.
PREMISES AFFECTED – 238 Bedford Avenue (a/k/a 118 North 4th Street, 185 Berry Street), Block 2351, Lot 6, Borough of Brooklyn.
COMMUNITY BOARD #1BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 13, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

818-85-BZ
APPLICANT – Herrick, Feinstein LLP for 119 Christopher LLC, owner.
SUBJECT – Application June 7, 2016 – Amendment to modify a condition to a previously approved Variance (§72-21) which permitted a retail (UG 6) on a portion of the ground floor of a 6-story multiple dwelling. The amendment seeks to re-instate the term of the variance which expired on August 12, 1996. Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 119 Christopher Street, Block 619, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and to amend a variance, previously granted by the Board pursuant to ZR § 72-21; and

WHEREAS, a public hearing was held on this application on August 23, 2016, after due notice by publication in *The City Record*, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommended approval of the application; and

WHEREAS, the subject site is located on the north side of Christopher Street, between Hudson Street and Bleecker Street, in an R6 zoning district, in the Greenwich Village Historic District, in Manhattan; and

WHEREAS, the site has approximately 25 feet of frontage along Christopher Street, a depth of 92 feet, lot area of 2,288 sq. ft. and is occupied by a six-story plus cellar mixed-use residential and commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since August 12, 1986 when, under the subject calendar number, the Board granted a variance to permit a change in use of a dwelling unit on the easterly side of the ground floor to a Use Group 6 retail store for a term of ten (10) years, expiring August 12, 1996; and

WHEREAS, the subject building has an additional commercial unit located on the westerly side of the ground floor with 345 sq. ft. of floor area, which the applicant represents is a legal non-conforming use; and

WHEREAS, the 1986 variance and the subject application are with regards to the commercial unit on the easterly side of the ground floor only; and

WHEREAS, the applicant now seeks an amendment of the variance to remove the term of years based on the historic and present conditions of the surrounding area in which ground floor commercial uses predominate or, alternatively, for a term of twenty (20) years should the Board believe the removal of a term to be inappropriate; and

WHEREAS, additionally, the applicant requests a waiver of the Board's Rules of Practice and Procedure § 1-07.3(b)(4)(ii) to permit the filing of this application more than ten (10) years after the expiration of the term; and

WHEREAS, by letter dated August 18, 2016, the New York City Landmarks Preservation Commission ("LPC") states that it has no objection to the subject application and notes that interior alternations associated with this application have been authorized by Certificate of No Effect No. 17-2962, which expires on June 17, 2019; and

WHEREAS, based on the foregoing, the Board has determined that the request to remove the term of years as a condition of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated August 12, 1986, to eliminate the term, *on condition* that all work will substantially conform to drawings, filed with this application marked "Received August 26, 2016"—three (3) sheets; and *on further condition*:

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

826-86-BZ
APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.
SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.
PREMISES AFFECTED – 269-10 Grand Central Parkway,

northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of previously granted special permits for non-accessory radio towers and transmitting equipment on the roofs of three 33-story residential building, which expired on January 26, 2015; and

WHEREAS, a public hearing was held on this application on August 18, 2015, after due notice by publication in *The City Record*, with continued hearings on December 8, 2015, March 8, 2016, May 3, 2016, and July 12, 2016, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site consists of three 33-story residential buildings in an R3-2 zoning district, in Queens: 271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ, located on the easternmost portion of the site ("Building 1"); 270-10 Grand Central Parkway, BSA Cal. No. 827-86-BZ, located on the southern portion of the site ("Building 2"); and 269-10 Grand Central Parkway, BSA Cal. No. 826-86-BZ, located on the westernmost portion of the site ("Building 3"); and

WHEREAS, the Board has exercised jurisdiction over the site since March 29, 1988 when, under the subject calendar numbers, the Board granted special permits legalizing non-accessory radio towers and transmitting equipment on the roofs of Building 1, Building 2 and Building 3 for a term of ten (10) years, expiring March 29, 1998; and

WHEREAS, on March 6, 2001, under the subject calendar numbers, the Board extended the terms of the previously granted special permits for an additional ten (10) years, expiring March 28, 2008, and legalized the 62 antennae existing on each of Building 1, Building 2 and Building 3 and permitted the installation of 13 additional antennae on each of the buildings, on condition, *inter alia*, that the number of accessory antennae on each of the buildings not exceed 75; and

WHEREAS, on January 26, 2010, under the subject calendar numbers, the Board extended the special permit terms for an additional five (5) years, expiring January 26, 2015, and extended the time to obtain a temporary certificate of occupancy to July 26, 2010 on condition that no additional FM radio broadcast antennae be installed on Building 1; and

WHEREAS, on October 26, 2010, under the subject calendar numbers, the Board granted a further extension of time to obtain a temporary Certificate of Occupancy to October 26, 2011; and

WHEREAS, the subject application seeks an extension of the special permits for a term of ten (10) years; and

WHEREAS, the applicant represents that there are currently 68 antennae, four dishes, two rotatable antennae and one camera installed at the premises and that no increase in the number of antennae or transmitting equipment is proposed at the site; and

WHEREAS, in response to Board concerns about radio frequency emission levels on the roofs of the three buildings at the premises, the applicant submitted an analysis demonstrating that the environment on the roofs of the buildings comply with the limits for human exposure to radiofrequency fields adopted by the Federal Communications Commission ("FCC") for areas accessible by the general population, with the exception of certain areas of the main rooftop of Building 1 which exceed these FCC limits but are secured from public access and feature all safety signage necessary to ensure compliance with FCC notice requirements; and

WHEREAS, the cause for the increased radiofrequency levels on the roof of Building 1 were attributed to a directional antennae located on the northeast corner of its roof and an FM radio antenna located on the elevator bulkhead above the rooftop; and

WHEREAS, in response to Board concerns about tenant access to the roof of Building 1 in cases of emergency and concerns raised by tenants residing on the penthouse level of Building 1 about radiofrequency emissions in their residential units, the applicant submitted an analysis of the radiofrequency environment on the penthouse level showing that the measured emissions were very low and represented that operational changes had been implemented in Building 1 to lower the radiofrequency fields on the Building 1 roof to a level within the FCC's limit for the general population; and

WHEREAS, specifically, the antenna located on the northeast corner of Building 1 was rotated so as to point away from the roof, rather than across it, and an entry alarm system, connecting to both a main alarm switch and the FM radio transmitter, was installed on each of the four access doors to the roof of Building 1 such that the FM radio transmitter power will be reduced by more than 50% when the doors are opened; and

WHEREAS, the applicant submitted photographs of the rotated directional antenna, the alarm system and related signage to demonstrate that such changes were, indeed, implemented at the premises; and

WHEREAS, the applicant has additionally represented that semiannual testing of the radiofrequency levels on each of the building rooftops will be conducted, that reports of such testing will be provided to the buildings' Board of Directors and any shareholders' associations and that records of the testing will also be maintained; and

WHEREAS, in response to a request from the Fire Department, the applicant has provided a cutoff switch, located in mechanical room on the penthouse levels of Building 1, Building 2 and Building 3, to allow the Fire Department to shut down all power to the buildings' rooftops as needed in cases of

emergency; and

WHEREAS, in support of these representations, the applicant submitted an operational and maintenance plan for all antennae at the premises, which the Board has requested be appended to the plans filed with this application, as well as pictures of the cutoff switch provided at the request of the Fire Department; and

WHEREAS, based on the foregoing, the Board has determined that the requested extension of time is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated March 29, 1988, to extend the term of the special permit for an additional ten (10) years, expiring January 26, 2025; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received August 24, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of the special permits shall be limited to a term of ten (10) years, expiring January 26, 2025;

THAT the number of antennae on each building—including all broadcasting equipment, receivers, transmitters, dishes and antennae—shall not exceed 75;

THAT the drawing of the roof of Building 1 (271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ) in the Board-approved plans represents all installations permitted pursuant to this special permit;

THAT no additional FM or AM radio antennae shall be added to any of the buildings at the site;

THAT none of the FM or AM radio antennae currently existing on the site shall be replaced;

THAT testing of radio frequency levels shall be conducted semi-annually (once every six months) and the results shall be provided to building management and the shareholders' association, currently known as the North Shore Towers Community Association; and

THAT the operational and maintenance plan shall be included in the set of plans submitted to and approved by the Board;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

827-86-BZ

APPLICANT – Eric Palatnik, P.C., for North Shore Tower Apartments, Inc., owner; Continental Communications, lessee.

SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.

PREMISES AFFECTED – 270-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of previously granted special permits for non-accessory radio towers and transmitting equipment on the roofs of three 33-story residential building, which expired on January 26, 2015; and

WHEREAS, a public hearing was held on this application on August 18, 2015, after due notice by publication in *The City Record*, with continued hearings on December 8, 2015, March 8, 2016, May 3, 2016, and July 12, 2016, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site consists of three 33-story residential buildings in an R3-2 zoning district, in Queens: 271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ, located on the easternmost portion of the site ("Building 1"); 270-10 Grand Central Parkway, BSA Cal. No. 827-86-BZ, located on the southern portion of the site ("Building 2"); and 269-10 Grand Central Parkway, BSA Cal. No. 826-86-BZ, located on the westernmost portion of the site ("Building 3"); and

WHEREAS, the Board has exercised jurisdiction over the site since March 29, 1988 when, under the subject calendar numbers, the Board granted special permits legalizing non-accessory radio towers and transmitting equipment on the roofs of Building 1, Building 2 and Building 3 for a term of ten (10) years, expiring March 29, 1998; and

WHEREAS, on March 6, 2001, under the subject calendar numbers, the Board extended the terms of the previously granted special permits for an additional ten (10) years, expiring March 28, 2008, and legalized the 62 antennae existing on each of Building 1, Building 2 and Building 3 and permitted the installation of 13 additional antennae on each of the buildings, on condition, *inter alia*, that the number of accessory antennae on each of the buildings not exceed 75; and

WHEREAS, on January 26, 2010, under the subject calendar numbers, the Board extended the special permit terms for an additional five (5) years, expiring January 26, 2015, and extended the time to obtain a temporary certificate of

occupancy to July 26, 2010 on condition that no additional FM radio broadcast antennae be installed on Building 1; and

WHEREAS, on October 26, 2010, under the subject calendar numbers, the Board granted a further extension of time to obtain a temporary Certificate of Occupancy to October 26, 2011; and

WHEREAS, the subject application seeks an extension of the special permits for a term of ten (10) years; and

WHEREAS, the applicant represents that there are currently 68 antennae, four dishes, two rotatable antennae and one camera installed at the premises and that no increase in the number of antennae or transmitting equipment is proposed at the site; and

WHEREAS, in response to Board concerns about radio frequency emission levels on the roofs of the three buildings at the premises, the applicant submitted an analysis demonstrating that the environment on the roofs of the buildings comply with the limits for human exposure to radiofrequency fields adopted by the Federal Communications Commission ("FCC") for areas accessible by the general population, with the exception of certain areas of the main rooftop of Building 1 which exceed these FCC limits but are secured from public access and feature all safety signage necessary to ensure compliance with FCC notice requirements; and

WHEREAS, the cause for the increased radiofrequency levels on the roof of Building 1 were attributed to a directional antennae located on the northeast corner of its roof and an FM radio antenna located on the elevator bulkhead above the rooftop; and

WHEREAS, in response to Board concerns about tenant access to the roof of Building 1 in cases of emergency and concerns raised by tenants residing on the penthouse level of Building 1 about radiofrequency emissions in their residential units, the applicant submitted an analysis of the radiofrequency environment on the penthouse level showing that the measured emissions were very low and represented that operational changes had been implemented in Building 1 to lower the radiofrequency fields on the Building 1 roof to a level within the FCC's limit for the general population; and

WHEREAS, specifically, the antenna located on the northeast corner of Building 1 was rotated so as to point away from the roof, rather than across it, and an entry alarm system, connecting to both a main alarm switch and the FM radio transmitter, was installed on each of the four access doors to the roof of Building 1 such that the FM radio transmitter power will be reduced by more than 50% when the doors are opened; and

WHEREAS, the applicant submitted photographs of the rotated directional antenna, the alarm system and related signage to demonstrate that such changes were, indeed, implemented at the premises; and

WHEREAS, the applicant has additionally represented that semiannual testing of the radiofrequency levels on each of the building rooftops will be conducted, that reports of such testing will be provided to the buildings' Board of Directors and any shareholders' associations and that records of the testing will also be maintained; and

WHEREAS, in response to a request from the Fire Department, the applicant has provided a cutoff switch, located in mechanical room on the penthouse levels of Building 1, Building 2 and Building 3, to allow the Fire Department to shut down all power to the buildings' rooftops as needed in cases of emergency; and

WHEREAS, in support of these representations, the applicant submitted an operational and maintenance plan for all antennae at the premises, which the Board has requested be appended to the plans filed with this application, as well as pictures of the cutoff switch provided at the request of the Fire Department; and

WHEREAS, based on the foregoing, the Board has determined that the requested extension of time is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated March 29, 1988, to extend the term of the special permit for an additional ten (10) years, expiring January 26, 2025; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received August 24, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of the special permits shall be limited to a term of ten (10) years, expiring January 26, 2025;

THAT the number of antennae on each building—including all broadcasting equipment, receivers, transmitters, dishes and antennae—shall not exceed 75;

THAT the drawing of the roof of Building 1 (271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ) in the Board-approved plans represents all installations permitted pursuant to this special permit;

THAT no additional FM or AM radio antennae shall be added to any of the buildings at the site;

THAT none of the FM or AM radio antennae currently existing on the site shall be replaced;

THAT testing of radio frequency levels shall be conducted semi-annually (once every six months) and the results shall be provided to building management and the shareholders' association, currently known as the North Shore Towers Community Association; and

THAT the operational and maintenance plan shall be included in the set of plans submitted to and approved by the Board;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

828-86-BZ

APPLICANT – Eric Palatnik, P.C., for North Shore Tower

Apartment, Inc., owner; Continental Communications, lessee.

SUBJECT – Application December 22, 2014 – Extension of Term of Special Permit (§73-11) permitting non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story building which expired on January 26, 2015. R3-2 zoning district.

PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267th Street, Block 08489, Lot 0001, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of previously granted special permits for non-accessory radio towers and transmitting equipment on the roofs of three 33-story residential building, which expired on January 26, 2015; and

WHEREAS, a public hearing was held on this application on August 18, 2015, after due notice by publication in *The City Record*, with continued hearings on December 8, 2015, March 8, 2016, May 3, 2016, and July 12, 2016, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site consists of three 33-story residential buildings in an R3-2 zoning district, in Queens: 271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ, located on the easternmost portion of the site ("Building 1"); 270-10 Grand Central Parkway, BSA Cal. No. 827-86-BZ, located on the southern portion of the site ("Building 2"); and 269-10 Grand Central Parkway, BSA Cal. No. 826-86-BZ, located on the westernmost portion of the site ("Building 3"); and

WHEREAS, the Board has exercised jurisdiction over the site since March 29, 1988 when, under the subject calendar numbers, the Board granted special permits legalizing non-accessory radio towers and transmitting equipment on the roofs of Building 1, Building 2 and Building 3 for a term of ten (10) years, expiring March 29, 1998; and

WHEREAS, on March 6, 2001, under the subject calendar numbers, the Board extended the terms of the previously granted special permits for an additional ten (10) years, expiring March 28, 2008, and legalized the 62 antennae existing on each of Building 1, Building 2 and Building 3 and permitted the installation of 13 additional antennae on each of the buildings, on condition, *inter alia*, that the number of accessory antennae on each of the buildings not exceed 75; and

WHEREAS, on January 26, 2010, under the subject calendar numbers, the Board extended the special permit terms for an additional five (5) years, expiring January 26, 2015, and extended the time to obtain a temporary certificate of occupancy to July 26, 2010 on condition that no additional FM radio broadcast antennae be installed on Building 1; and

WHEREAS, on October 26, 2010, under the subject calendar numbers, the Board granted a further extension of time to obtain a temporary Certificate of Occupancy to October 26, 2011; and

WHEREAS, the subject application seeks an extension of the special permits for a term of ten (10) years; and

WHEREAS, the applicant represents that there are currently 68 antennae, four dishes, two rotatable antennae and one camera installed at the premises and that no increase in the number of antennae or transmitting equipment is proposed at the site; and

WHEREAS, in response to Board concerns about radio frequency emission levels on the roofs of the three buildings at the premises, the applicant submitted an analysis demonstrating that the environment on the roofs of the buildings comply with the limits for human exposure to radiofrequency fields adopted by the Federal Communications Commission ("FCC") for areas accessible by the general population, with the exception of certain areas of the main rooftop of Building 1 which exceed these FCC limits but are secured from public access and feature all safety signage necessary to ensure compliance with FCC notice requirements; and

WHEREAS, the cause for the increased radiofrequency levels on the roof of Building 1 were attributed to a directional antennae located on the northeast corner of its roof and an FM radio antenna located on the elevator bulkhead above the rooftop; and

WHEREAS, in response to Board concerns about tenant access to the roof of Building 1 in cases of emergency and concerns raised by tenants residing on the penthouse level of Building 1 about radiofrequency emissions in their residential units, the applicant submitted an analysis of the radiofrequency environment on the penthouse level showing that the measured emissions were very low and represented that operational changes had been implemented in Building 1 to lower the radiofrequency fields on the Building 1 roof to a level within the FCC's limit for the general population; and

WHEREAS, specifically, the antenna located on the northeast corner of Building 1 was rotated so as to point away from the roof, rather than across it, and an entry alarm system, connecting to both a main alarm switch and the FM radio transmitter, was installed on each of the four access doors to the roof of Building 1 such that the FM radio transmitter power will be reduced by more than 50% when the doors are opened; and

WHEREAS, the applicant submitted photographs of the rotated directional antenna, the alarm system and related signage to demonstrate that such changes were, indeed, implemented at the premises; and

WHEREAS, the applicant has additionally represented that semiannual testing of the radiofrequency levels on each of the building rooftops will be conducted, that reports of such testing will be provided to the buildings' Board of Directors and any shareholders' associations and that records of the testing will also be maintained; and

WHEREAS, in response to a request from the Fire

Department, the applicant has provided a cutoff switch, located in mechanical room on the penthouse levels of Building 1, Building 2 and Building 3, to allow the Fire Department to shut down all power to the buildings' rooftops as needed in cases of emergency; and

WHEREAS, in support of these representations, the applicant submitted an operational and maintenance plan for all antennae at the premises, which the Board has requested be appended to the plans filed with this application, as well as pictures of the cutoff switch provided at the request of the Fire Department; and

WHEREAS, based on the foregoing, the Board has determined that the requested extension of time is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals, *reopens* and *amends* the resolution, dated March 29, 1988, to extend the term of the special permit for an additional ten (10) years, expiring January 26, 2025; *on condition* that all work will substantially conform to drawings, filed with this application marked "Received August 24, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of the special permits shall be limited to a term of ten (10) years, expiring January 26, 2025;

THAT the number of antennae on each building—including all broadcasting equipment, receivers, transmitters, dishes and antennae—shall not exceed 75;

THAT the drawing of the roof of Building 1 (271-10 Grand Central Parkway, BSA Cal. No. 828-86-BZ) in the Board-approved plans represents all installations permitted pursuant to this special permit;

THAT no additional FM or AM radio antennae shall be added to any of the buildings at the site;

THAT none of the FM or AM radio antennae currently existing on the site shall be replaced;

THAT testing of radio frequency levels shall be conducted semi-annually (once every six months) and the results shall be provided to building management and the shareholders' association, currently known as the North Shore Towers Community Association; and

THAT the operational and maintenance plan shall be included in the set of plans submitted to and approved by the Board;

THAT all conditions from prior resolutions not specifically waived by the Board shall remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

196-49-BZ

APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.

SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.

COMMUNITY BOARD #11BX

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to September 20, 2016, at 10 A.M., for decision, hearing closed.

17-92-BZ

APPLICANT – Eric Palatnik, P.C., for E & O Realty, owner.

SUBJECT – Application October 23, 2015 – Extension of Term of a previously approved variance which expired on July 19, 2014; Amendment to permit renovations to the interior and exterior of the building; Waiver of the Rules. R5 zoning district

PREMISES AFFECTED – 60-06/12 Northern Boulevard, Block 1183, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

168-98-BZ

APPLICANT – Robert J. Stahl for Herbert D. Freeman, 238 Street Holding, LLC, owner.

SUBJECT – Application April 10, 2015 – Extension of Term (§ 11-411) of a previously approved variance which permitted a parking lot for more than five motor vehicles (Use Group 8) which expired on March 23, 2009; Waiver of the Rules. R6/R4A zoning district.

PREMISES AFFECTED – 3050 Bailey Avenue, Block 3261, Lot 12, Borough of Bronx.

COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

169-98-BZ

APPLICANT – Robert J. Stahl for Herbert D. Freeman, Albany Crescent Holding, LLC, owner.

SUBJECT – Application April 10, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on July 20, 2009; Amendment

(§11-413) to permit a change of use to Automotive Repair Facility (UG 16B); Waiver of the Rules. C2-3/R6 zoning district.
PREMISES AFFECTED – 3141 Bailey Avenue, Block 3267, Lot 38, Borough of Bronx.
COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

114-02-BZ
APPLICANT – David L. Businelli, R.A., for Jerry Campitiello, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Variance (72-21) which permitted the development of two-story building with retail on the first floor and offices on the second floor with accessory parking which expired on May 20, 2013; Waiver of the Rules. R2 zoning district.
PREMISES AFFECTED – 2493 Richmond Road, Block 947, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

260-15-A
APPLICANT – Eric Palatnik, P.C., for Whitewell Properties, LLC, owner.
SUBJECT – Application November 24, 2015 – GCL36 to permit two, two family homes that do not have frontage on a legally mapped street, contrary to Article 3, Section 36 of the NYS General City Law. RA3X zoning district.
PREMISES AFFECTED – 122 & 130 Bard Avenue, Block 138, Lot(s) 108 & 111, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated October 28, 2015, acting on Department of Buildings Application No. 520246680, reads in pertinent part:

The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:

A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow for the construction of a two-family residence which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on June 14, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 16, 2016 and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommends disapproval of this application; and

WHEREAS, the Office of the Staten Island Borough President has also expressed opposition to the application, alleging that it does not comply with zoning requirements applicable to the Lower Density Growth Management Area Zoning Amendment, specifically those regarding open area for residences in the zoning district and the location of parking; and

WHEREAS, the subject site is located on the west side of Bard Avenue, between Livingston Court and Stebbins Avenue, in an R3X zoning district, in a Lower Density Growth

Management Area, on Staten Island; and

WHEREAS, site is part of Former Lot 111, which has approximately 85 feet of frontage along Bard Avenue and 16,998 sq. ft. of lot area; and

WHEREAS, pursuant to a New York City Department of Finance ("DOF") Application for Mergers or Apportionment, issued February 9, 2016, Former Lot 111 was subdivided into four tax lots: Tax Lots 108, 109, 110 and 111; and

WHEREAS, the applicant proposes to develop Former Lot 111 with a two-family, three-story structure on each of the four tax lots, for a total of four residences; and

WHEREAS, the applicant seeks the subject relief with regards to the two-family residence proposed on Tax Lot 111 only, which is approximately 43 feet wide, 93 feet deep, will not front on a mapped street and will only be accessible by a 30'-0" wide Fire Department access road from Bard Avenue; and

WHEREAS, the applicant originally filed a companion case for the residence proposed on Tax Lot 108, BSA Cal. No. 261-15-A, 130 Bard Avenue, but that application was withdrawn, without prejudice; and

WHEREAS, in response to the concerns raised by the Staten Island Borough President, the applicant revised the design of the development to provide open areas with minimum depths of 30'-0" behind the rear wall of each of the four proposed residences on the Former Lot 111 and relocated all required parking spaces outside of those open space areas so designated; and

WHEREAS, additionally, the applicant has submitted a zoning analysis demonstrating that the development complies with all applicable zoning regulations; and

WHEREAS, the Fire Department states that it has no objection to the proposal on the following conditions: (1) all buildings on the site are to be fully sprinklered as required under the New York City Fire Code 503.3.2 and any additions proposed after the completion of construction shall also be fully sprinklered; (2) all buildings shall be provided with interconnected smoke alarms, which shall be designed and installed in accordance with the New York City Building Code Section 907.2.11; (3) the applicant must comply with all legal requirements including those set forth in Title 27 of the Administrative Code and Rules of the Fire Department of the City of New York; (4) the proposed buildings or any additional alterations thereto shall not exceed 35' in height above the grade plane elevation; (5) a minimum unobstructed paved width of 30' shall be maintained at all times along the fire apparatus access road and such pavement shall be designed and constructed in accordance with applicable NYCDOT standards and Fire Code Section 503.2 and this shall also apply to the required 30' x 30' frontage space; and (6) signs shall be conspicuously posted along the driveway indicating that no parking shall be permitted anytime in compliance with Fire Code Section 503.2.7.2.1; and

WHEREAS, the applicant has provided the Board with a draft restrictive declaration to be filed and recorded against the property citing the parking restrictions recommended by the Fire Department; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the Department of Buildings dated October 28, 2015 acting on Application No. 520246680, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received September 13, 2016"-Two (2) sheets; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT all buildings on the site are to be fully sprinklered as required under the New York City Fire Code 503.3.2 and any additions proposed after the completion of construction shall also be fully sprinklered;

THAT all buildings shall be provided with interconnected smoke alarms, which shall be designed and installed in accordance with the New York City Building Code Section 907.2.11;

THAT the applicant must comply with all legal requirements including those set forth in Title 27 of the Administrative Code and Rules of the Fire Department of the City of New York;

THAT the proposed buildings or any additional alterations thereto shall not exceed 35' in height above the grade plane elevation;

THAT a minimum unobstructed paved width of 30' shall be maintained at all times along the fire apparatus access road and such pavement shall be designed and constructed in accordance with applicable NYCDOT standards and Fire Code Section 503.2 and this shall also apply to the required 30' x 30' frontage space;

THAT signs shall be conspicuously posted along the fire apparatus access road indicating that no parking shall be permitted anytime in compliance with Fire Code Section 503.2.7.2.the building shall be sprinklered, as indicated on the BSA-approved plans;

THAT the restrictive declaration submitted in connection with this application shall be recorded in the Office of the City Register in Richmond County prior to the receipt of a Certificate of Occupancy;

THAT proofs of filing and recordation shall be provided to the Board;

THAT the recorded restrictive declaration shall substantially conform to the form and substance of the following:

DECLARATION made this _____, by Whitwell Properties, LLC hereinafter referred to as the "Declarant," with a principal office located at 8 Whitwell Place, Staten Island, New York.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of Staten Island, designated as Block 138 Lots 108, 109, 110, and 111, on the Tax Map of the City of New York, hereinafter referred to as Parcel A (the "Subject Premises"), more particularly described by a metes and bounds

description set forth in Schedule A annexed hereto and by this reference made a part hereof:

WHEREAS, the Declarant has requested the New York City Board of Standards and Appeals (the "BSA") act upon BSA Cal. No. 260-15-A to appeal the decision of the Staten Island Borough Commissioner, under application number: 520246680 pursuant to Article III, Section 36 of the General City Law, denying the permit on the basis that the street giving access to the proposed buildings is not duly placed on the official map of the City of New York; and

WHEREAS, the BSA, requires Declarant to execute and file this restrictive declaration prior to obtaining a Certificate of Occupancy for the subject Premises.

NOW, THEREFORE, in consideration of BSA approval to allow the proposed construction of a two family residence not fronting on a legally mapped street, contrary to General City Law 36, Declarant does hereby declare that Declarant and his successors and/or assigns shall be legally responsible for operating and maintaining the Subject Premises in compliance with the following restrictions of the FDNY's letter of _____ (As listed on the proposed site plan dated _____), and that such compliance shall be subject to enforcement by the Fire Commissioner:

1. *The building is to be fully sprinklered as required under the New York City Fire Code 503.3.2. Any addition proposed after the completion of construction shall also be fully sprinklered.*
2. *The building shown hereon shall be provided with interconnected smoke alarm which shall be designed and installed in accordance with the New York City Building Code Section 907.2.11.*
3. *All legal requirements including those set forth in Title 27 of the Administrative Code and Rules of the Fire Department of the City of New York must be complied with by the applicant.*
4. *The proposed building shown hereon or any additional alterations thereto shall not exceed 35' in height above the grade plane elevation.*
5. *A minimum unobstructed paved width of 30' shall be maintained at all times along the fire apparatus access road. The pavement shall be designed and constructed in accordance with applicable N.Y.C.D.O.T. standards and Fire Code Sections 503.2. This shall also apply to the required 30' x 30' frontage space.*
6. *Signs shall be conspicuously posted along the driveway indicating no parking permitted anytime along the fire apparatus access driveway in compliance with the Fire Code Section 503.2.7.2.1.*

1. This declaration may not be modified, amended or terminated without the prior written consent of the BSA.
2. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;
3. Failure to comply with the terms of this declaration may result in the revocation of a building permit or Certificate of Occupancy as well as any other authorization or waiver granted by the BSA; and
4. This declaration shall be recorded at the city register's office against the Subject Premises and title of the declaration shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to any building located on the subject Premises and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing restrictive declaration as of the date hereinabove written.

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

261-15-A

APPLICANT – Eric Palatnik, P.C., for Whitewell Properties, LLC, owner.

SUBJECT – Application November 24, 2015 – GCL36 to permit two, two family homes that do not have frontage on a legally mapped street, contrary to Article 3, Section 36 of the NYS General City Law. RA3X zoning district.

PREMISES AFFECTED – 122 & 130 Bard Avenue, Block 138, Lot(s) 108 & 111, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application withdrawn.

Adopted by the Board of Standards and Appeals, September 13, 2016.

17-05-A
APPLICANT – Sheldon Lobel, P.C., for GRA V, LLC, owner.
SUBJECT – Application May 18, 2016 – Extension of Time to Complete Construction under the prior R6 zoning district. R4A zoning district.
PREMISES AFFECTED – 3329/3333 Giles Place, Block 3258, Lot 5, Borough of Bronx.
COMMUNITY BOARD #8BX
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for decision, hearing closed.

2016-1185-A
APPLICANT – Pryor Cashman LLP, for MBAR Realty, LLC and MBAR Realty #2LLC, owner.
SUBJECT – Application January 5, 2016 – Proposed construction of a four story with cellar Use Group 16 self-storage facility located within the bed of a mapped street, contrary to General City Law Section 35 and waiver of street wall and sky exposure plane under 72-01-(g). M1-1 zoning district.
PREMISES AFFECTED – 45-14 and 45-50 51st Street, Block 2283, Lot(s) 53, 54, Borough of Queens.
COMMUNITY BOARD #2Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

333-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Lauren Jemal, owner.
SUBJECT – Application December 30, 2014 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R4 (OP) zoning district.
PREMISES AFFECTED – 2323 East 5th Street, East side of East 5th Street between Gravesend Neck Road and Avenue W, Block 7157, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated December 18, 2014, acting on DOB Application No. 321010357, reads in pertinent part:

> The proposed enlargement of the existing one family residence in an R4 zoning district:
> 1. Creates non-compliance with respect to floor area by exceeding the allowable floor area ratio and is contrary to Sections 23-141 of the Zoning Resolution;
> 2. Creates non-compliance with respect to the open space and lot coverage and is contrary to Section 23-141 of the Zoning Resolution;
> 3. Creates non-compliance with respect to the side yards by not meeting the minimum requirements of Section 23-461 and 23-48;
> 4. Creates non-compliance with respect to the rear yard by not meeting the minimum requirements of Section 23-47 of the Zoning Resolution; and

WHEREAS, the Board notes that since the time of the filing of this application, the Zoning Resolution has been amended and the text setting forth the maximum allowable floor area ratio, open space and lot coverage permitted in an R4 zoning district is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141 in the DOB objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R4 zoning district and the Special Ocean Parkway District, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, 23-48 and 23-47; and

WHEREAS, a public hearing was held on this application on March 22, 2016, after due notice by publication in *The City Record*, with continued hearings on May 3, 2016, June 14, 2016, June 21, 2016, and August 2, 2016, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 5th Street, between Gravesend Neck Road and Avenue W, in an R4 zoning district and the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 28 feet of frontage along East 5th Street and a depth of approximately 120 feet, containing 3,360 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story one-family residence with approximately 1,459 sq. ft. of floor area and a floor area ratio ("FAR") of 0.43; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant originally proposed to increase the floor area of the subject building from 1,459 sq. ft. (0.43 FAR) to 4,150 sq. ft. (1.24 FAR), reduce the open space on the site from 76 percent to 52 percent, increase the lot coverage of the site from 24 percent to 48 percent, maintain the width of one non-complying 2'-11 ¾" side yard and reduce the width of other 6'-11" side yard, to 5'-0", and to reduce the depth of the existing 61'-5 ¼" rear yard to a depth of 20'-0" at both the first and second stories of the building; and

WHEREAS, in response to comments from the Board, the applicant modified the proposal so as not to alter the essential character of the neighborhood; and

WHEREAS, the applicant now proposes to increase the floor area of the subject building from 1,459 sq. ft. (0.43 FAR) to 3,888 sq. ft. (1.16 FAR), reduce the open space on the site from 76 percent to 53 percent, increase the lot coverage of the site from 24 percent to 47 percent, maintain the width of one non-complying 2'-11 ¾" side yard and reduce the width of the other 6'-11" side yard to 6'–¼", and to reduce the existing 61'-5.25" rear yard to 20'-0" at the first story of the building and 25'-0" at the second story; and

WHEREAS, at the subject premises, the maximum FAR permitted is 0.75 (2,520 sq. ft. of floor area) pursuant to ZR § 23-142, the minimum open space required is 55 percent pursuant to ZR § 23-142, the maximum lot coverage permitted is 45 percent pursuant to ZR § 23-142, the minimum side yard width pursuant to ZR § 23-48 is 5'-0" and the minimum rear yard depth required pursuant to ZR § 23-47 is 30'-0"; and

WHEREAS, ZR § 23-48 provides, in pertinent part, that:

> [In the subject R4 zoning district], the required total width of *side yards* for a *single-family detached* or *two-family detached residence* may be reduced by four inches for each foot by which the width of a *zoning lot* is less than that required under the provision of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such *zoning lot*:
>
> (a) has less than the prescribed minim *lot width*; and
> (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit.
>
> However, in no event shall the required width of a *side yard* be less than five feet.

WHEREAS, the applicant submits that the subject site has been a separate zoning lot since at least 1929; and

WHEREAS, the applicant states that the site has a width of 28'-0" and is therefore 12'-0" narrower than the 40'-0" minimum lot width required for residences in R4 zoning districts pursuant to ZR § 23-32; thus, the applicant contends, the 13'-0" aggregate side yard width required by ZR § 23-461 may be reduced by 4'-0" pursuant to ZR § 23-48, resulting in required aggregate side yard width of 9'-0" at the site; and

WHEREAS, notwithstanding that the minimum side yard

width authorized under ZR § 23-48 is 5'-0", the Board rejected the applicant's request to reduce the width of the existing 6'-11" side yard to 5'-0" because doing so would result in an aggregate width of less than 9'-0", thus, the applicant is maintaining the non-complying side yard with a width of 2'-11 ¾" and may only reduce the width of the 6'-11" side yard to 6'–¼", in order to maintain the required width of 9'-0"; and

WHEREAS, the applicant represents that the proposed enlargement is consistent with the character of the neighborhood; and

WHEREAS, the applicant submitted, and the Board reviewed, a study of Floor Area Ratios in the surrounding neighborhood; the applicant contends that within four hundred feet of the subject site, there are 50 homes with FARs in excess of the permitted .75, 23 of which have FARs equal to or greater than the FAR of the proposed enlargement; the applicant also notes that on the subject social block there are five homes with FARs in excess of the proposed enlargement, ranging from 1.31 FAR to 1.99 FAR, and an additional five homes with FARs in excess of the permitted .75 FAR; and

WHEREAS, the applicant submitted, and the Board reviewed, a rear yard study of the subject block; the applicant states that the subject block contains 22 buildings with rear yards, ten of which (45%) have rear yards that are shallower than the required 30'-0"; the applicant notes that of those ten homes, eight have rear yards with a depth of less than 20'-0"; the applicant notes further that both the subject site and the site immediately behind the subject site have garages located in their rear yards; the applicant demonstrated to the satisfaction of the Board that the conditions surrounding the site effectively "hemmed in" the rear of the subject site such that the proposed enlargement, specifically the 20'-0" rear yard at the first story and 25'-0" rear yard at the second story, would not negatively impact adjacent property owners; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R4 zoning district and the Special Ocean Parkway District, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, side yards and rear yards, contrary to ZR §§ 23-141, 23-461, 23-48 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received August 25, 2016"-Twelve (12) sheets and; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 3,888 sq. ft. (1.16 FAR), a minimum open space ratio of 53 percent, a maximum lot coverage of 47 percent, side yards with depths of 2'-11 ¾" and 6'–¼", a rear yard with a depth of 20'-0" at the first story and 25'-0" at the second story, a front yard with a depth of 14'-11 ½", a wall height of 24'-0", and a total height of 34'-10", all as shown on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s), except that, as noted, the Board treats the citation to ZR § 23-141 in the DOB objection as a citation to ZR § 23-142 and, therefore, relief related to that section is hereby granted;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 13, 2016.

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.

SUBJECT – Application December 18, 2013 – Re-instatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

30-14-BZ

APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.

SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.

PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for decision, hearing closed.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.
PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for decision, hearing closed.

41-14-BZ
APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.
SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.
PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

302-14-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Stanfordville, LLC, owner.
SUBJECT – Application November 10, 2014 – Special Permit (§73-125) to allow proposed ambulatory diagnostic or treatment health care facility in excess of 1500 sq. ft. in a two-story mixed use building. R3X zoning district.
PREMISES AFFECTED – 45-05 Francis Lewis Boulevard, southeast corner of intersection of Francis Lewis Boulevard and 45th Avenue. Block 5538, Lot 30. Borough of Queens.
COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for adjourned hearing.

331-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.
PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for adjourned hearing.

44-15-BZ
APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.
SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633) and rear setback requirements (§23-633(b). R8 zoning district.
PREMISES AFFECTED – 145 Central Park North, between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.
COMMUNITY BOARD #10M

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for deferred decision.

93-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Shalom Stein, owner.
SUBJECT – Application April 27, 2015 – Variance (§72-21) to construct a new UG4 Synagogue at the premises to certain bulk and parking regulations and waiver of the floor area side yard , located within an R2X zoning district.
PREMISES AFFECTED – 1011 Reads Lane, between Cornaga Court and Mobile Road, Block 15553, Lot 28, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

101-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Nesiv Hatorah Inc., owner.
SUBJECT – Application May 11, 2015 – Variance (§72-21) to permit construction of a two-story use group 4 synagogue contrary to underlying bulk requirements. R2X zoning district.
PREMISES AFFECTED – 830 Hicksville Road, Block 15583, Lot 11, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

271-15-BZ
APPLICANT – Philip L. Rampulla, for Lester Realty Associates Corp., owner.
SUBJECT – Application December 10, 2015 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16). C2-1/R3-2 zoning district.
PREMISES AFFECTED – 1842 Victory Boulevard, Block 713, Lot 101, Borough of Staten Island.
COMMUNITY BOARD #1SI
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for decision, hearing closed.

278-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Rafael Levy, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461). R2 zoning district.
PREMISES AFFECTED – 3556 Bedford Avenue, between Avenue N and Avenue O, Block 7678, Lot 72, Borough of Brooklyn.
COMMUNITY BOARD #14BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 13, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

248-15-BZ
APPLICANT – Eric Palatnik, P.C., for HDL Management, owner.
SUBJECT – Application October 21, 2015 – Special Permit (73-44) to reduce the 49 required parking spaces to twenty-five (25) for a proposed new five story and cellar new UG4 ambulatory diagnostic treatment health facility building. R5/C1-2 zoning district.
PREMISES AFFECTED – 150-15 Barclay Avenue, Block 5058, Lot 5, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

254-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP
SUBJECT – Application November 9, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink*) within a new cellar and eight-story mixed-use building. C2-5/R7A zoning district.
PREMISES AFFECTED – 98 Avenue A, Block 402, Lot 3, Borough of Manhattan.
COMMUNITY BOARD #3M
ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

2016-4152-BZ
APPLICANT – Law Office of Jay Goldstein, for Midyan Gate Realty No. 3 LLC, owner.
SUBJECT – Application March 28, 2016 – Special Permit (§73-19) to allow a school (UG 3) (*Yeshiva Darche Eres*) to occupy a portion of the first floor and the entirety of the second, third and fourth floors of the Premises, contrary to use regulation (§42-10). M1-1 (OP) zoning district.
PREMISES AFFECTED – 325 Avenue Y, Block 7192, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on August 16, 2016, under Calendar No. 4-11-BZ and printed in Volume 101, Bulletin Nos. 33-34, is hereby corrected to read as follows:

4-11-BZ

APPLICANT – Law Office of Lyra J. Altman, for 1747 East 2nd Street, LLC, by Jack Elbaz, owner.

SUBJECT – Application May 9, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a three-story synagogue, contrary to bulk regulations which expired on September 13, 2015; Waiver of the Rules. R5 (OP) zoning district.

PREMISES AFFECTED – 1747-1751 East 2nd Street (aka 389 Quentin Road), Block 6634, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to complete construction pursuant to a variance, previously granted by the Board pursuant to ZR § 72-21, permitting the construction of a three-story synagogue that does not comply with the bulk regulations of a site located within an R5 zoning district, in the Special Ocean Parkway Sub-District; and

WHEREAS, a public hearing was held on August 16, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northeast corner of the intersection of East 2nd Street and Quentin Road, in an R5 zoning district, in the Special Ocean Parkway Sub-District, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along East 2nd Street, 100 feet of frontage along Quentin Road, 4,000 sq. ft. of lot area and is vacant; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 13, 2011 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 permitting the construction of a three-story synagogue (Use Group 4) contrary to the underlying zoning district regulations for floor area, lot coverage, height and setback, sky exposure plane, front yard, side yards, and parking for community facilities, contrary to ZR §§ 113-51, 24-11, 113-55, 113-542, 113-543, 25-18, 25-31 and 113-561, with a maximum floor area of 8,748 sq. ft. (2.19 FAR), maximum lot coverage of 84 percent, maximum wall height of 32'-0" along the East 2nd Street frontage and 39'-0" along the Quentin Road frontage, maximum total height of 48'-0" a front yard with a minimum depth of 14'-0" along East 2nd Street, a front yard with a minimum depth of 1'-0" along Quentin Road, encroachment into the sky exposure plane, and no parking spaces; and

WHEREAS, construction was to have been substantially completed by September 13, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that, though the structure existing on the site at the time of the variance grant was demolished, no other work has been completed at the site due to fundraising delays; and

WHEREAS, the applicant represents that it now has access to all of the funds necessary to complete construction of the subject project and seeks a four (4) year extension of time to complete construction; and

WHEREAS, the applicant further requests a waiver of Board Rule of Practice and Procedure § 1-07.3(c)(2) to permit the filing of this application less than two (2) years after the expiration of the time to complete construction; and

WHEREAS, the applicant asserts that there have been no substantial changes in the character and nature of the surrounding area since the grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated September 13, 2011, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to September 13, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by September 13, 2019;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 16, 2016.

The resolution has been amended to correct the section in the 6th WHEREAS. Corrected in Bulletin Nos. 36-37, Vol. 101, dated September 21, 2016.

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BULLETIN

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2016-4252-BZ
2705 West 16th Street, located on West 16th Street between Hart Place and Neptune Avenue, Block 06996, Lot(s) 42, Borough of **Brooklyn, Community Board: 13**. Special Permit (§73-36) to operate a physical culture establishment (CrossFit Steed) within an existing building. M1-2 (Coney Island Mixed Use Special District). M1-2 Coney Island Mixed Use district.

2016-4253-A
565 St. John's Place, located on St. John's Place between Classon and Franklin Avenues., Block 01175, Lot(s) 87, Borough of **Brooklyn, Community Board: 8**. Appeal seeking a determination that the owner has acquired common law vested rights for a development commenced under the prior R7-1 district regulations. R3 Zoning district. R6B district.

2016-4254-BZ
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2016-4255-BZ
4081 Ocean Avenue, located on Ocean Avenue between Shore Boulevard and Hampton Avenue, Block 08744, Lot(s) 51, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (ZR §23-141); side yard (ZR §23-461); and rear yard (ZR §23-47). R3-1 zoning district. R3-1 district.

2016-4256-A
147 Stecher Street, located on the east side of Stecher Street, 205 ft. north of the intersection with Eylandt Street, Block 06565, Lot(s) 11, Borough of **Staten Island, Community Board: 3**. Proposed construction of a one family, two-story dwelling not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R1-2 (SRD) zoning district. R1-2 (SRD) district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
OCTOBER 18, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 18, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

608-70-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Neptune Avenue Property LLC, owner; Dunkin Donuts Corporate Office, lessee.
SUBJECT – Application October 18, 2016 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved variance which permitted an eating and drinking establishment (UG 6) (*Dunkin' Donuts*) which expired on August 20, 2015; Waiver of the Rules. R6 (Special Ocean Parkway District) zoning district.
PREMISES AFFECTED – 351-361 Neptune Avenue, Block 7260, Lot 101, Borough of Brooklyn.
COMMUNITY BOARD #13BK

592-71-BZ
APPLICANT – Rampulla Associates Architects, LLP, for FDS Realty, LLC, owner.
SUBJECT – Application June 2, 2016 – Extension of Term of the previously approved Variance (§ 72-21) which permitted the operation of a Professional Office (Use Group 6) Building in an R3-2/R-2 Zoning District which will expire on February 15, 2017; Waiver of the Rules. R3-2 & R2 zoning district.
PREMISES AFFECTED – 1010 Forest Avenue, Block 316, Lot 27, Borough of Staten Island.
COMMUNITY BOARD #1SI

120-93-BZ
APPLICANT – Sheldon Lobel, P.C., for Harry McNulty, owner.
SUBJECT – Application March 14, 2016 – Extension of Term (§11-411) of a previously approved variance which permitted an Automotive Repair Facility (UG 16B) with the sale of used automobiles which expired on May 10, 2014; Waiver of the Rules. C1-3/R3-2.
PREMISES AFFECTED – 222-19 Linden Boulevard, Southeast corner of Linden Boulevard. Block 11323, Lot 1, Borough of Queens.
COMMUNITY BOARD #13Q

26-94-BZ
APPLICANT – Eric Palatnik, P.C., for CDC Realty, owner.
SUBJECT – Application December 4, 2015 – Extension of Term of a Special Permit (§73-242) for a (UG6) eating and drinking establishment (*The Mansion Grand*) which expires on March 5, 2016; Amendment. C3A (SSRD) zoning district.
PREMISES AFFECTED – 141 Mansion Avenue, Block 5201, Lot 33, Borough of Staten Island.
COMMUNITY BOARD #3SI

182-02-BZ
APPLICANT – Eric Palatnik, P.C., for Gaseteria Oil Corporation, owner.
SUBJECT – Application July 22, 2014 – Extension of Term of a previously approved (§72-21) permitting the operation of an Automotive Service Station (UG 16B) with an accessory convenience store which expired January 7, 2013; Waiver of the Rules. C2-2/R3-1 zoning district.
PREMISES AFFECTED – 2990 Victory Boulevard, Block 2072, Lot 42, Borough of Staten Island.
COMMUNITY BOARD #2SI

REGULAR MEETING
OCTOBER 18, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 18, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

259-14-BZ
APPLICANT – Fried, Frank, Harris, Shriver & Jacobson LLP, for The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, owner.
SUBJECT – Application October 17, 2014 – Variance (§72-21) to permit the proposed structure in rear yard of the interior lot portion of the site contrary to (ZR 33-23 and ZR 33-26) of the zoning resolution. C5-5 (SLMD) zoning district.
PREMISES AFFECTED – 68-74 Trinity Place aka 103-109 Greenwich Street, Block 51, Lot 7, Borough of Manhattan.
COMMUNITY BOARD #1M

171-15-BZ
APPLICANT – Juan D. Reyes, III, Shefarth Shaw LLP, for 281 Broadway LLC, owner; James and Jennifer McDate (CrossFit), lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*CrossFit*) to be operated within an existing building. C6-4A zoning district.
PREMISES AFFECTED – 281 Broadway, between Reade Street and Chambers Street, Block 149, Lot 7502, Borough of Manhattan.
COMMUNITY BOARD #1M

217-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Forest Hill Fitness, LLC, owner.
SUBJECT – Application September 10, 2015 – Special Permit (§73-36) to permit the operation a PCE gym (*Retro Fitness*) on the first floor of the existing 2-story commercial retail shopping center, located within an M1-1 zoning district.
PREMISES AFFECTED – 89-89 Union Turnpike, Block 3886, Lot 380, Borough of Queens.
COMMUNITY BOARD #4Q

2016-4166-BZ
APPLICANT – Eric Palatnik, P.C., for 2577 East 17th Street, LLC, owner.
SUBJECT – Application April 6, 2016 – Special Permit (§73-44) to reduce the required number of accessory parking spaces contrary to §36-21 for ambulatory diagnostic or treatment facility use and Use Group 6 uses with Parking Requirement Category B1. C8-1 zoning district.
PREMISES AFFECTED – 2579 East 17th Street, Block 7438, Lot 46, Borough of Brooklyn.
COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 20, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

196-49-BZ
APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.
SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.
COMMUNITY BOARD #11BX
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a variance, previously granted by the Board, which expired on September 30, 2015 and an amendment of the same; and

WHEREAS, a public hearing was held on this application on January 12, 2016, after due notice by publication in *The City Record*, with continued hearings on February 23, 2016, April 12, 2016, May 17, 2016, and July 19, 2016, and then to decision on September 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on a corner bound by Bouck Avenue to the west, Allerton Avenue to the north and Wilson Avenue to the east, in an R4 zoning district, in the Bronx; and

WHEREAS, the site has approximately 117 feet of frontage along Bouck Avenue, 69 feet of frontage along Allerton Avenue, 100 feet of frontage along Wilson Avenue, 9,970 sq. ft. of lot area, and is occupied by a gasoline service station and one-story masonry accessory building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 11, 1950 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses at the premises for a term of 10 years, expiring April 11, 1960; and

WHEREAS, on July 25, 1950, under the subject calendar number, the Board amended the resolution to reflect modifications to the previously approved plans and extend the term of the variance to 15 years, expiring on April 11, 1965; and

WHEREAS, on September 18, 1951, under the subject calendar number, the Board granted an extension of time to obtain permits and complete work approved in the previous resolution; and

WHEREAS, on December 16, 1958, under the subject calendar number, the Board further amended the resolution to approve additional gasoline storage tanks at the site; and

WHEREAS, on September 14, 1965, September 30, 1975, July 9, 1986 and December 22, 1998, under the subject calendar number, the Board extended the variance for additional 10 year terms, the latest of which expired September 30, 2005; and

WHEREAS, on January 14, 1992, under the subject calendar number, the Board amended the resolution to permit the construction of two new metal canopies and legalize a change in the size of the gasoline pump islands and pumps at the site; and

WHEREAS, on June 12, 1012, under the subject calendar number, the Board further extended the term of the variance for an additional 10 years, expiring September 30, 2015, and granted a request for an amendment to the resolution reflecting site modifications and an increase in the hours of operation for the gasoline service station; and

WHEREAS, the previous term of the variance having expired, applicant now seeks an additional ten (10) year term; and

WHEREAS, the applicant also requests an amendment to the variance to permit the alteration of 664 sq. ft. of floor area in the accessory building on the premises to a retail convenience store and an increase to the number of on-site accessory parking spaces on the site from five spaces to six spaces; and

WHEREAS, the applicant proposes that the hours of operation for the retail convenience store be 24 hours, daily, consistent with the hours or operation for gasoline service station at the premises; and

WHEREAS, the applicant proposes that the approximately 1,200 sq. ft. of floor area remaining in the accessory building continue to be utilized as an auto repair shop with no change to the previously approved hours of operation: Monday through Saturday, 8:00 a.m. to 5:00 p.m. and closed on Sunday; and

WHEREAS, the Board finds that a ten (10) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 11, 1950, as amended through June 12, 2012, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant to expire on September 30, 2025

and to permit the noted modifications to the previously-approved plans; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received June 29, 2016'-One (1) sheet and 'November 7, 2015'-Four (4) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years expiring September 30, 2025;

THAT there shall be no vehicle or U-Haul rentals permitted on the premises;

THAT all landscaping, as shown on the BSA-approved plans, shall be maintained and replaced as needed;

THAT the site shall be maintained graffiti-free;

THAT no parking shall be permitted on the sidewalks;

THAT tires shall be stored at the building interior and such storage shall comply with Fire Code Section 2509.1;

THAT the owner of the premises shall institute an annual maintenance plan to repair and paint the brick work, maintain fencing and asphalt and repair and replace the same as needed;

THAT the hours of operation of the retail convenience store shall be 24 hours, daily;

THAT the remainder of the accessory building on the site, which operates as an auto repair shop, have the following hours of operation: Monday through Saturday, 8:00 a.m. to 5:00 p.m. and closed on Sunday;

THAT the above conditions be reflected on the Certificate of Occupancy;

THAT a new Certificate of Occupancy be obtained by September 20, 2017;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, September 20, 2016.

173-92-BZ

APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.

SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar. C2-8A zoning district.

PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to amend a previously granted special permit for a physical culture establishment (PCE) and an extension of the term of the special permit, which expired on January 25, 2014; and

WHEREAS, a public hearing was held on this application on June 2, 2015, after due notice by publication in *The City Record*, with continued hearings on July 14, 2015, September 22, 2015, November 24, 2015, January 22, 2016, March 8, 2016, May 24, 2016, and August 2, 2016, and then to decision on September 20, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a partial through-block lot with frontage on the south side of East 86th Street and the north side of East 85th Street, between Third Avenue and Second Avenue, partially within a C2-8A zoning district and partially within an R6B zoning district, in Manhattan; and

WHEREAS, the site has approximately 41 feet of frontage along East 86th Street, 51 feet of frontage along East 85th Street, 9,450 sq. ft. of lot area and is occupied by two connected mixed-use building, one fully located within a C2-8A zoning district and the other located wholly within an R6B zoning district; and

WHEREAS, the subject PCE currently occupies 3,029 sq. ft. of floor area on the second floor of the building fully located within a C2-8A zoning district (the "Subject Building"); and

WHEREAS, the PCE is operated as Modern Martial Arts; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 12, 1977 when, under BSA Cal. No. 88-77-BZ, the Board granted a variance pursuant to ZR § 72-21 permitting a first floor enlargement to the building located on the portion of the lot within a commercial zoning district fronting East 86th Street that encroached on the required rear yard and allowing commercial occupancy above the first floor of the building; and

WHEREAS, also on July 12, 1977, under BSA Cal. Nos. 89-77-BZ and 90-77-BZ, the Board granted a variance, also pursuant to ZR § 72-21, permitting the expansion of a commercial occupancy from the building fronting East 86th Street into portions of the building located on the portion of the site in a residential zoning district with frontage on East 85th Street; and

WHEREAS, on December 8, 1992, under BSA Cal. No. 88-77-BZ, the Board amended the variance granted under the same calendar number, and superseding the resolutions granted under BSA Cal. Nos. 89-77-BZ and 90-77-BZ, to create a single zoning lot and legalize interior

modifications to the previously approved plans; and

WHEREAS, on January 25, 1994, under the subject calendar number, the Board granted the subject special permit, pursuant to ZR § 73-36, legalizing a PCE for martial arts on the second floor of the building located in the Subject Building for a term of ten (10) years, expiring January 25, 2004; and

WHEREAS, on August 10, 2004, under the subject calendar number, the Board granted a ten (10) year extension of term for the special permit, expiring January 25, 2014, on condition that, *inter alia*, the hours of operation of the facility be limited to Monday through Friday 10:00 a.m. to 9:00 p.m. and Saturday and Sunday 9:00 a.m. to 5:00 p.m.; and

WHEREAS, the term of the special permit having expired, the applicant seeks a further extension of the term as well as an amendment to permit the relocation of the martial arts studio from the second floor of the Subject Building to a portion of that building's cellar and extend the PCE's hours of operation on weekdays to 9:30 p.m. in order to better accommodate the class schedules; and

WHEREAS, the applicant represents that the cellar location is preferable because it provides the PCE with a separate street entrance, separates the PCE use from residential uses on the second floor of the Subject Building and enables a restaurant on the first floor to act as a buffer between the two uses; and

WHEREAS, the applicant does not propose an increase in the amount of floor area or floor space occupied by the relocated PCE; and

WHEREAS, the applicant has submitted plans to the Board indicating that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to an FDNY-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the applicant subsequently represented that the proposed fire alarm system had been installed and tested and was scheduled for inspection by the Fire Department; and

WHEREAS, at hearing, the Fire Department confirmed that a fire alarm inspection was, indeed, scheduled for the subject premises and that, accordingly, it had no objection to the Board's approval of the subject application; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 25, 1994, as amended through August 10, 2004, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of ten (10) years, expiring January 25, 2024, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received November 4, 2015'-Five (5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from January 25, 2014, expiring January 25, 2024;

THAT the hours of operation shall be limited to Monday through Friday 10:00 a.m. to 9:30 p.m. and Saturday and Sunday 9:00 a.m. to 5:00 p.m.;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, September 20, 2016.

4-95-BZ

APPLICANT – Carl A. Sulfaro, Esq., for 21 Hillside Avenue, LLC, owner; Community Parking Corp., lessee.

SUBJECT – Application March 10, 2016 – Extension of Term (§11-411) of a previously approved variance permitting a Public Parking Lot (UG 8) for 48 cars which expired on June 27, 2015; Amendment to permit transient parking for unsued spaces; Waiver of the Rules. R7-2 zoning district.

PREMISES AFFECTED – 21-23 Hillside Avenue, Block 2170, Lot 110, Borough of Manhattan.

COMMUNITY BOARD #12M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for the Wavier of the Board's Rules of Practice and Procedure, an amendment to a previously granted special permit and an extension of term for the same, which expired on June 27, 2015; and

WHEREAS, a public hearing was held on this application on August 2, 2016, after due notice by publication in *The City Record*, and then to decision on September 20, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 12, Manhattan, recommends approval of the subject application; and

WHEREAS, the subject site is located on the south side of Hillside Avenue, east of the intersection of Hillside Avenue and Broadway, in an R7-2 zoning district, in Manhattan; and

WHEREAS, the site has approximately 50 feet of frontage along Hillside Avenue, 10,058 sq. ft. lot area and is utilized as a public parking lot; and

WHEREAS, the Board has exercised jurisdiction over

the subject site since October 14, 1959 when, under BSA Cal. No. 357-59-BZ, the Board granted a variance permitting the maintenance of a parking lot for more than five passenger cars on the premises for a term of five (5) years, expiring October 14, 1964; and

WHEREAS, on December 15, 1964, January 13, 1970, October 22, 1974, September 18, 1979, and March 10, 1987, under BSA Cal. No. 357-59-BZ, the Board granted five (5) year extensions on the term of the variance, the latest of which expired December 15, 1989; and

WHEREAS, on June 27, 1995, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 11-411, to re-establish the use of the site as a public parking lot for 52 cars for a term of ten (10) years, expiring June 27, 2005 on condition, *inter alia*, that the site be used solely for monthly parking with no transient parking permitted; and

WHEREAS, on February 14, 2006, under the subject calendar number, the Board granted a ten (10) year extension of term of the special permit, expiring June 27, 2015, permitting 48 parking spaces on the site; and

WHEREAS, the latest term having expired, the applicant seeks an extension of the term of the special permit for an additional ten (10) years as well as an amendment to permit the use of unrented monthly parking spaces for transient parking; and

WHEREAS, in addition, the applicant seeks a waiver of the Board's Rules of Practice and Procedure § 1-07.3(b)(2) to permit filing of the application less than two (2) years after the expiration of the time and, as required, has demonstrated that the parking lot use at the site has been continuous since the expiration of the term and that substantial prejudice would result without such a waiver; and

WHEREAS, the applicant represents that the parking lot currently contains a total of 47 space, 30 of which are currently rented on a monthly basis; and

WHEREAS, the applicant submits that the demand for monthly parking at the site has substantially diminished and that the remaining 17 spaces have been used for transient parking purposes in order to fully utilize the site; and

WHEREAS, the applicant maintains that it prefers devoting all of the parking spaces at the site to monthly parking and that the 17 spaces currently utilized for transient parking are immediately available to any persons expressing interest in acquiring a monthly parking space, but requests an amendment to the special permit permitting transient parking at the site only to the extent that such parking spaces are not utilized for monthly parking; and

WHEREAS, the applicant lacks knowledge regarding the inclusion in the Board's 1995 resolution of the condition that the site be used only for monthly parking, but suggests that the condition was intended to prevent excessive activity at the site in light of its location in a residential zoning district; and

WHEREAS, the applicant represents that transient use at the site is most intensive from 9:00 a.m. to 12:00 p.m. on Wednesdays and Fridays due to alternate side parking regulations in the area, but that the lot is never completely full at any time and that the operator maintains a preference for monthly parking; and

WHEREAS, the Board finds that an amendment of the special permit to permit transient parking in the unrented monthly parking spaces and a ten (10) year extension of the term of the special permit are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated June 27, 1995, as amended through February 14, 2006, so that as amended this portion of the resolution reads: "to amend the special permit to permit the use of unrented monthly parking spaces for transient parking and grant an extension of the term of the special permit for a term of ten (10) years from the expiration of the last grant, to expire on June 27, 2025; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received August 24, 2015-One (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years, expiring June 27, 2025;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, September 20, 2016.

949-57-BZ

APPLICANT – Akerman, LLP, for Pelham Bridges Realties, LLC, owner; NY Dealers Stations, LLC, owner.

SUBJECT – Application July 7, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on October 29, 2014; Waiver of the Rules. R5D zoning district.

PREMISES AFFECTED – 2100 Williamsbridge Avenue, Block 4310, Lot 30, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

94-58-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Alliance Energy LLC, owner; Nor-East S/S/ Inc., lessee.
SUBJECT – Application November 19, 2015 – Extension of Term (11-411) to permit the continued use of a previously approved Automotive Service Station (UG 16B) which expired on September 30, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 25-65 Brooklyn Queens Expressway, Block 1046, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

548-69-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America Inc.
SUBJECT – Application January 15, 2016 – Amendment of a variance which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to expand the existing convenience store and make various changes to the site. C2-3/R6B zoning district.
PREMISES AFFECTED – 107-10 Astoria Boulevard, Block 1694, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

1122-81-BZ
APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.
SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.
COMMUNITY BOARD #4Q
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

129-97-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.
SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.
PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

214-00-BZ
APPLICANT – Sheldon Lobel, P.C., for Zaliv, LLC, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Special Permit (73-242) which permitted the operation of an eating and drinking establishment (UG 6) which expired on November 16, 2015; Extension of Time to Obtain a Certificate of Occupancy which expired on March 20, 2013; Waiver of the Rules. C3 zoning district.
PREMISES AFFECTED – 2761 Plumb 2nd Street, Block 8841, Lot 500, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

235-01-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 2009 Mermaid, LLC, owner.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-27) permitting the operation of funeral establishment (UG 7) which expired on May 12, 2014; Waiver of the Rules. C1-2/R5 zoning district.
PREMISES AFFECTED – 2009 Mermaid Avenue, Block 7018, Lot 42, Borough of Brooklyn.
COMMUNITY BOARD #13BK
ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

80-05-BZ
APPLICANT –Aura Wellness Spa Corp., for Erol Devli, owner; Rockford Chun, lessee.
SUBJECT – Application December 15, 2015 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Aura Wellness Spa Corp.) which expired on November 15, 2015. C6-6 and C6-4.5 zoning district.
PREMISES AFFECTED – 49 West 33rd Street, Block 835, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

APPEALS CALENDAR

2016-4155-A thru 2016-4162-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Van Pelt Development LLC, owner.
SUBJECT – Application March 31, 2016 – To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3A zoning district.
PREMISES AFFECTED – 1, 5, 9, 15, 19, 23, 27, 31 Montana Court, Block 1196, Lot (s) 196, 197, 198, 199, 42, 41, 200, 201, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner dated March 2, 2016 acting on DOB Application Nos. 520262135, 520262144, 520262153, 520262162, 520062171, 520262180, 520260501 and 520260510 read in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of eight single-family residences that do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on August 23, 2016, after due notice by publication in *The City Record*, and then to decision on September 20, 2016; and

WHEREAS, Commissioner Montanez performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommends approval of the subject application; and

WHEREAS, the subject lots are located on the east side of Van Pelt Avenue, between Walker Street and Netherland Avenue, in an R3A zoning district, on Staten Island; and

WHEREAS, the applicant represents that Lots 196, 197, 198, 199, 42 and 41 currently exist on the New York City Tax Max and that Lots 200 and 201 will be apportioned from existing Lot 101; and

WHEREAS, Lot 196 has 3,498 sq. ft. of lot area, Lot 197 has 3,522 sq. ft. of lot area, Lot 198 has 3,626 sq. ft. of lot area, Lot 199 has 3,594 sq. ft. of lot area, Lot 42 has 6,819 sq. ft. of lot area, Lot 41 has 6,930 sq. ft. of lot area, Lot 200 will have 3,454 sq. ft. of lot area and Lot 201 will have 3,439 sq. ft. of lot area; and

WHEREAS, the applicant proposes to develop each of the lots with a one-family dwelling as follows: a three-story dwelling with 1,720 sq. ft. of floor area on Lot 196; a two-story dwelling with 1,470 sq. ft. of floor area on Lot 197; a two-story dwelling with 1,470 sq. ft. of floor area on Lot 198; a two-story dwelling with 1,470 sq. ft. of floor area on Lot 199; a two-story dwelling with 1,470 sq. ft. of floor area on Lot 42; a two-story dwelling with 1,470 sq. ft. on Lot 41; a two-story dwelling with 1,463 sq. ft. of floor area on Lot 200; and a three-story dwelling with 1,720 sq. ft. of floor area on Lot 201; and

WHEREAS, the applicant represents that the dwellings will comply with all zoning requirements applicable in the zoning district and seeks the subject relief because the proposed dwellings will front Montana Court, a proposed private road that is not duly placed on the official map of the City of New York; and

WHEREAS, the dwellings will be accessible from the east side of Van Pelt Avenue, a legally mapped street, via Montana Court, which will be paved and improved to a width of 34 feet for approximately 132 feet perpendicular to Van Pelt Avenue before extending into a "T" fronting each of the proposed dwellings; and

WHEREAS, no turnaround area for fire apparatus is required on Montana Court pursuant to Fire Code Section 503.2.9 and that each of the proposed dwellings will be fully sprinklered; and

WHEREAS, by letter dated May 19, 2016, the Fire Department stated that it had no objections to the subject application on condition that (1) a hydrant be provided and installed in conformance with New York City Department of Environmental Protection ("DEP") on the east side of the north-south segment of Montana Court in front of Lot 199 and (2) the applicant submit an Auto Turn analysis demonstrating that fire apparatus can successfully enter and exit the proposed hammerhead turn around; and

WHEREAS, in response to the Fire Department's concerns, the applicants submitted amended plans indicating fire hydrants at the north and south ends of the north-south segment of Montana Court; and

WHEREAS, by letter dated August 11, 2016, the Fire Department stated that the applicant had addressed their concerns and requested further minor modifications to the submitted plans, with which the applicant also subsequently complied; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decisions of the DOB dated March 2, 2016 acting on DOB Application Nos. 520262135, 520262144, 520262153, 520262162, 520062171, 520262180, 520260501 and 520260510, are modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked

"Received September 6, 2016"- One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the dwellings shall be fully sprinklered, as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 20, 2016.

166-12-A
APPLICANT – NYC Department of Buildings.
OWNER – Sky East LLC c/o Magnum Real Estate Group, owner.
SUBJECT – Application June 4, 2012 – Application to revoke the Certificate of Occupancy. R8B zoning district.
PREMISES AFFECTED – 638 East 11th Street, south side of East 11th Street, between Avenue B and Avenue C, Block 393, Lot 26, Borough of Manhattan.
COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for adjourned hearing.

107-13-A
APPLICANT – Law Office of Marvin B. Mitzner LLC, for Sky East LLC, owner.
SUBJECT – Application April 18, 2013 – An appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R7- 2 zoning district. R7B zoning district.
PREMISES AFFECTED – 638 East 11th Street, south side of East 11th Street, between Avenue B and Avenue C, Block 393, Lot 25, 26 & 27, Borough of Manhattan.
COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

68-15-A
APPLICANT – Pryor Cashman, LLP for 230 West 97th Street, LLC, owner.
SUBJECT – Application March 27, 2015 – Variance pursuant to Section 310 of the NYSMDL to allow the 2,708 square foot penthouse enlargement to a non-fireproof Old law Tenement building contrary to the height regulations. C4-6AEc-3 zoning district.
PREMISES AFFECTED – 230 West 97th Street, Block 1868, Lot 44, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

108-15-A thru 110-15-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Glebe Partners LLC, owners.
SUBJECT – Application May 13, 2015 – Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings commenced under prior zoning district regulations. R6A zoning district.
PREMISES AFFECTED – 2317, 2319, 2321 Glebe Avenue, Block 3971, Lot(s) 167, 166, 165, Borough of Bronx.
COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

232-15-A
APPLICANT – Sheldon Lobel, P.C., for Thor 840 West End Avenue LLC, owner.
SUBJECT – Application October 1, 2015 – Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district.
PREMISES AFFECTED – 840 West End Avenue aka 259 West 101 Street, Block 1873, Lot 01, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

2016-4134-BZ

APPLICANT – Akerman LLP for St. Anastasia's Roman Catholic Church, owner; Divine Wisdom Catholic Academy, lessee.

SUBJECT – Application March 11, 2016 – Variance (§72-21) to permit the enlargement of a conforming school (UG 3) (Devine Wisdom Catholic Academy) contrary to ZR §24-111 (Floor Area Ratio). R2-A zoning district.

PREMISES AFFECTED – 45-11 245th Street, Block 8195, Lot(s) 1, 8, 16, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated September 9, 2016, acting on Department of Buildings ("DOB") Application No. 421167329 reads in pertinent part:

1. Proposed enlargement does not comply with the maximum permitted floor area ratio pursuant to ZR 24-111 and requires approval from the BSA; and

WHEREAS, this is an application under ZR § 72-11 to permit, on a site within an R2A zoning district, the enlargement of an existing Use Group 3 community facility that does not comply with the maximum floor area and floor area ratio, contrary to ZR § 24-111; and

WHEREAS, this application is filed on behalf of the Divine Wisdom Catholic Academy (the "School"), an independent Roman-Catholic school providing instruction for approximately 460 students in Universal Pre-Kindergarten through 8th grade; and

WHEREAS, a public hearing was held on this application on August 2, 2016, after due notice by publication in *The City Record*, and then to decision on September 20, 2016; and

WHEREAS, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 11, Queens, recommends approval of the subject application and notes that the only concern raised by a neighbor was the location of a dumpster at the site and the noise associated with its collection; and

WHEREAS, the subject site is an irregularly shaped block bound by 245th Street to the west, Northern Boulevard to the north and Alameda Avenue to the south and east, in an R2A zoning district, in Queens; and

WHEREAS, the site has approximately 350 feet of frontage along 245th Street, 459 feet of frontage along Northern Boulevard, 701 feet of frontage along Alameda Avenue, 109,215 sq. ft. of lot area and is occupied by two buildings: a three-story school building located at the southwest corner of the site ("Building A") and a two-story building located at the northwest corner of the site ("Building B") containing 63,350 sq. ft. of total floor area and a floor area ratio ("FAR") of 0.58; and

WHEREAS, Building A has 52,439 sq. ft. of floor area (0.48 FAR), a substantial part of which is leased by the School, but otherwise contains a church; and

WHEREAS, Building B has 10,911 sq. ft. of floor area (0.10 FAR), is owned and used entirely by the Saint Anastasia Catholic Church for church offices and does not contain any available space to accommodate the School's programming; and

WHEREAS, the applicant proposes to construct a three-story addition to Building A with 4,427 sq. ft. of floor area (0.04 FAR), which would increase the FAR on the site to 0.62 FAR (67,777 sq. ft. of floor area); and

WHEREAS, pursuant to ZR §§ 24-111 and 23-141, the maximum floor area ratio permitted for community facility use at the site is 0.50 FAR (54,608 sq. ft. of floor area); and

WHEREAS, the Board acknowledges that the School, as an educational institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, the applicant represents that the proposed enlargement is necessary because the School's existing facility lacks the space to adequately accommodate its existing programming; and

WHEREAS, specifically, the first floor of the enlargement will create classrooms for the School's nursery school program, the second floor of the enlargement will provide a music conservatory, and the third floor will include a professional development room and teacher's lounge; and

WHEREAS, the School's nursery program is currently located in a classroom that previously served as the physical activity space for children in the School's Early Education program and in the absence of that room, a portion of each of the School's Early Education classrooms have been converted to a physical activity space, making each of these classrooms more crowded and prone to scheduling conflicts; and

WHEREAS, the provision of space dedicated to the School's nursey program will alleviate the overcrowding of the School's Early Education program and enable the school to properly support all of its programming for its youngest students; and

WHEREAS, the proposed conservatory will provide the School with a dedicated space for its music education program, which currently uses classroom space on a rotating

basis, as well as practice space for its band and choir, which currently practice in the cafeteria and hallways and can cause interference with other academic and extracurricular programs at the school; and

WHEREAS, the proposed third floor will provide much-needed space for teachers, including those displaced from their classrooms due to rotating language classes, enabling them to plan lessons, hold faculty meetings, and consult on confidential matters relating to students; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the school and the constraints of the existing building create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the School is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the School represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, the applicant states that the enlargements is located on the existing School campus, which consists of all of the Lots on Tax Block 8195 and, thus, will not affect any adjacent zoning lots; and

WHEREAS, additionally, the applicant notes that the height of the enlargement will match the existing height of Building A, that no substantive increase in the student population is anticipated from its construction and, thus, the enlargement will not have an adverse impact on pedestrian or motor vehicle traffic in and around the site; and

WHEREAS, the Board notes that, in response to concerns raised by neighbors, the School relocated the dumpster at the site and set it within an enclosure lined with trees and shrubs to mitigate nuisance, particularly at times of pickup; and

WHEREAS, the Board agrees with the School that the proposal will not alter the essential character of the surrounding neighborhood, not impair the use or development of adjacent properties, and not be detrimental to the public welfare; and

WHEREAS, the School states that, per ZR § 72-21(d), the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the School; and

WHEREAS, the School represents that, consistent with ZR § 72-21(e), the proposed enlargement represents the minimum variance needed to accommodate its programmatic needs; and

WHEREAS, specifically, the School notes that the proposal requests only a waiver of the maximum floor area ratio permitted at the site and that the enlargement otherwise complies with all other applicable zoning regulations; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to allow the School to fulfill its programmatic needs; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 16-BSA-088Q, dated July 28, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within an R2A zoning district, the enlargement of an existing Use Group 3 community facility that does not comply with the maximum floor area and floor area ratio, contrary to ZR § 24-111; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 20, 2016"—twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the site: a maximum floor area of 67,777 sq. ft. (0.62 FAR), as reflected on the BSA-approved plans;

THAT the play yard at the site shall be kept locked after 10:00 p.m.;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 20, 2016.

2016-4180-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Dennis Tuohey, owner.

SUBJECT – Application April 27, 2016 – Special Permit (§73-621) for the enlargement of an existing single family home contrary to floor area and lot coverage (ZR 23-141). R2A zoning district.

PREMISES AFFECTED – 87-25 252nd Street, Block 8645, Lot 12, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated April 21, 2016, acting on Department of Buildings ("DOB") Application No. 421185513, reads in pertinent part:

1. Proposed enlargement exceeds permitted lot coverage under ZR 23-141;
2. Proposed enlargement exceeds permitted floor area under ZR 23-141; and

WHEREAS, the Board notes that since the date of this application, the Zoning Resolution has been amended and the text setting forth the maximum lot coverage and floor area permitted in an R2A zoning district formerly found in ZR § 23-141 is now found, with the same limitations on lot coverage and floor area, in ZR § 23-142; thus, the Board treats the citation to ZR § 23-141 in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R2A zoning district, the proposed enlargement of an existing single-family dwelling that does not comply with the zoning requirements for lot coverage and floor area, contrary to ZR § 23-142; and

WHEREAS, a public hearing was held on this application on August 23, 2016, after due notice by publication in *The City Record*, and then to decision on September 20, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 13, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of 252nd Street, between 87th Avenue and 87th Road, in an R2A zoning district, in Queens; and

WHEREAS, the site has approximately 33 feet of frontage along 252nd Street, a lot depth of 100 feet, 3,300 sq. ft. of lot area and is occupied by a two-story plus attic single-family dwelling; and

WHEREAS, the existing building has approximately 1,351 sq. ft. of floor area, a floor area ratio ("FAR") of 0.41 and lot coverage of 30 percent (979 sq. ft.); and

WHEREAS, the applicant proposes to enlarge the building with a one-story porch at the front and a two-story addition at the rear for a total addition of 309 sq. ft. of floor area and an additional 109 sq. ft. in lot area coverage, resulting in a single-family dwelling with 1,660 sq. ft. of floor area (0.50 FAR) and lot coverage of 33 percent (1,088 sq. ft.); and

WHEREAS, pursuant to ZR § 23-141, the maximum floor area permitted in an R2A zoning district is 1,650 sq. ft. (0.50 FAR) and the maximum lot coverage permitted is 30 percent; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain zoning districts including R2A, on June 30, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of June 30, 1989; and

WHEREAS, the applicant submits that, pursuant to a New Building permit filed at DOB, the building located at the premises was constructed in 1927; and

WHEREAS, accordingly, the Board acknowledges that a special permit pursuant to ZR § 73-621 is available for the subject proposed enlargement; and

WHEREAS, ZR § 73-621 permits a maximum lot coverage that does not to exceed 110 percent of the maximum lot coverage permitted under applicable bulk regulations and a maximum floor area ratio that does not exceed the floor area ratio permitted under such regulations by more than 10 percent; and

WHEREAS, as to the lot coverage, the Board recognizes that the proposed lot coverage of 33 percent does not exceed 110 percent of the 30 percent maximum lot coverage permitted in the district pursuant to ZR § 23-142; and

WHEREAS, as to the floor area, the Board confirms that the proposed floor area ratio, 0.50 FAR (1,660 sq. ft. of floor area), does not exceed the 0.50 FAR (1,650 sq. ft. of floor area) maximum permitted in the district, pursuant to ZR § 23-142, by more than 10 percent; and

WHEREAS, additionally, the enlargement of a building containing a residential use pursuant to ZR § 73-621 cannot create any new non-compliance or increase the amount or degree of any existing noncompliance; and

WHEREAS, the applicant represents that the proposal does not create any new non-compliances or increase the amount or degree of any existing non-compliance; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3, and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-621 and 73-03, to permit, in an R2A zoning district, the proposed enlargement of an existing single-family dwelling that does not comply with the zoning requirements for lot coverage and floor area, contrary to ZR § 23-142; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this

application and marked "Received August 30, 2016'-Nine (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,660 sq. ft. (0.50 FAR) and maximum lot coverage of 33 percent, as indicated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT substantial construction shall be completed in accordance with ZR § 73-70; and

THAT the Department of Buildings must ensure, compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 20, 2016.

6-14-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 9, 2014 – Special Permit (§73-211) to permit the operation of an Automotive Service Station (UG 16B) with an accessory convenience store. C2-1/R3-2 zoning district.
PREMISES AFFECTED – 2525 Victory Boulevard, Block 1521, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for adjourned hearing.

176-14-BZ
APPLICANT – Harold Weinberg, for Habib Jaradeh, owner.
SUBJECT – Application July 24, 2014 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family home contrary to floor area, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R5-OP zoning district.
PREMISES AFFECTED – 1981 East 9th Street, Block 7091, Lot 66, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to September 27, 2016, at 10 A.M., for decision, hearing closed.

181-14-BZ
APPLICANT – Sheldon Lobel, P.C., for The Greek School of Plato, LTD, owner.
SUBJECT – Application August 1, 2014 – Variance (§72-21) to permit the construction of an educational and cultural facility be located on the premises. R4B zoning district.
PREMISES AFFECTED – 670 92nd Street, between Battery Avenue and 7th Avenue, Block 6143, Lot 35, Borough of Brooklyn.
COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 20, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

168-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Bushwack 7 LLC, owner.
SUBJECT – Application July 28, 2015 – Variance (§72-21) to permit the development of a four-story commercial building contrary to height, setback and parking requirements. M1-1 zoning district.
PREMISES AFFECTED – 58 Grattan Street, Block 3008, Lot 15, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

276-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 399 Knickerbocker LLC, owner; Blink Knickerbocker Avenue, Inc., lessee.
SUBJECT – Application December 24, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a portion of an existing commercial building. C4-3 zoning district.
PREMISES AFFECTED – 399 Knickerbocker Avenue, Block 3269, Lot 4, Borough of Brooklyn.
COMMUNITY BOARD #4BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for decision, hearing closed.

2016-1211-BZ

APPLICANT – Eric Palatnik, P.C. for Albert Hasson, owner.
SUBJECT – Application January 19, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141(b)). R3-1 zoning district.
PREMISES AFFECTED – 920 Shore Boulevard, Block 8746, Lot 107, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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New Case Filed Up to September 27, 2016

2016-4257-A
197-22 47th Avenue, located approximately 195' east of the intersection formed by 47th Avenue and 197th Street, Block 05617, Lot(s) 138, Borough of **Queens, Community Board: 11**. Proposed construction of a two-story, two family residential building within the bed of a mapped street, pursuant to Article 3 of General City Law 35. R3-2 zoning district. R3-2 district.

2016-4258-A
197-24 47th Avenue, , Block 05617, Lot(s) 140, Borough of **Queens, Community Board: 11**. Proposed construction of a two-story, two family residential building within the bed of a mapped street, pursuant to Article 3 of General City Law 35. R3-2 zoning district. district.

2016-4259-BZ
8033 Shore Road, located on Shore Road between 80th and 82nd Streets, Block 05975, Lot(s) 181, Borough of **Brooklyn, Community Board: 10**. Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R2 zoning district. R2 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
NOVEMBER 1, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 1, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

180-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for TCAM Core Property Fund Operating LP, owner; Equinox 85th Street, Inc., lessee.
SUBJECT – Application February 4, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Equinox) which expires on February 28, 2016. C2-8A/R8B zoning district.
PREMISES AFFECTED – 1511 Third Avenue (a/k/a 201 East 85th Street) Block 1531, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #8M

REGULAR MEETING
NOVEMBER 1, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 1, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

245-15-BZ
APPLICANT – Eric Palatnik, P.C., for New York Communications Center Association LP, owner; 99th Avenue Holdings LLC, lessee.
SUBJECT – Application October 15, 2015 – Special Permit (73-36) to permit the operation of a Physical Culture Establishment (*TMPL Gym*). C6-4 (Special Clinton) zoning district.
PREMISES AFFECTED – 350 West 50th Street, Block 1040, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #4M

2016-4138-BZ
APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 323 Sixth LLC, owner; IFC Center, lessee.
SUBJECT – Application March 16, 2016 – Variance (§72-21) for an enlargement of an existing motion picture theater (*IFC Center*) contrary to both use and bulk requirements. C1-5/R7-2 & R6 zoning district.
PREMISES AFFECTED – 323-27 Avenue of the Americas, Block 589, Lot(s) 19, 30, 31, Borough of Manhattan.
COMMUNITY BOARD #2M

2016-4165-BZ
APPLICANT – Glen V. Cutrona, for Shore to Shore Foster, LLC, owner.
SUBJECT – Application April 6, 2016 – Variance (§72-21) to permit the construction of an eating and drinking establishment (UG 6) (*Tim Horton's*) with an accessory drive thru contrary to ZR §22-10. R3X (SRD) zoning district.
PREMISES AFFECTED – 5801 Amboy Road, Block 6896, Lot 53, Borough of Staten Island.
COMMUNITY BOARD #3SI

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 27, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

172-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 50 Court Street Associates, owner; Equinox Joralemon Street, Inc., lessee.
SUBJECT – Application February 1, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (*Equinox*) which expires on February 7, 2016. C5-2A (DB) zoning district.
PREMISES AFFECTED – 50 Court Street, Block 265, Lot 43, Borough of Brooklyn.
COMMUNITY BOARD #2BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an extension of the term of a previously granted special permit for a physical culture establishment ("PCE"), which expired on February 7, 2016; and

WHEREAS, a public hearing was held on this application on September 27, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Brooklyn, recommended approval of this application; and

WHEREAS, the subject site is an irregularly shaped lot located on the southwest corner of Court Street and Joralemon Street, in a C5-2A zoning district, in the Special Downtown Brooklyn District, in Brooklyn; and

WHEREAS, the site has approximately 64 feet of frontage along Court Street, 135 feet of frontage along Joralemom Street, 10,035 sq. ft. of lot area and is occupied by a 12-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the site since February 7, 2006 when, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, allowing the establishment of a PCE, operated as Equinox, located on the ground, mezzanine, second, third and fourth floors of the subject building for a term of ten (10) years, expiring February 7, 2016; and

WHEREAS, the previous term of the special permit having expired, the applicant seeks an extension of term for an additional ten (10) years; and

WHEREAS, the facility remains in operation as Equinox and no modifications are proposed to the previously approved hours of operation: Monday through Thursday 5:30 a.m. to 11:00 p.m., Friday 5:30 a.m. to 10:00 p.m. and Saturday and Sunday 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant notes that the PCE continues to occupy 31,297 sq. ft. of total floor area in the building, but that the previously approved plans incorrectly indicated that the total floor area of the PCE was 31,583 sq. ft.; and

WHEREAS, as conditioned in the prior approval, sprinklers and an interior fire alarm were installed within the PCE space and subsequently approved and signed off by the Department of Buildings; and

WHEREAS, the Fire Department issued a Letter of Approval, dated October 24, 2006, for the fire alarm, sprinkler and smoke detector systems at the premises; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 7, 2006, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of ten (10) years, expiring February 7, 2026, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received August 23, 2016"—Six (6) sheets and 'Received February 1, 2016"—Two (2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from February 7, 2016, expiring February 7, 2026;

THAT the hours of operation shall be limited to Monday through Thursday 5:30 a.m. to 11:00 p.m., Friday 5:30 a.m. to 10:00 p.m. and Saturday and Sunday 8:00 a.m. to 9:00 p.m.;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, September 27, 2016.

413-50-BZ
APPLICANT – Eric Palatnik, P.C., for Sandra Yetman,

owner; BP Products North America Inc., lessee.
SUBJECT – Application October 8, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) which expires on November 18, 2015. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 691 East 149th Street, Block 2623, Lot 140, Borough of Bronx.
COMMUNITY BOARD #1BX

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

1151-81-BZ
APPLICANT – Greenberg Traurig, LLP
SUBJECT – Application May 19, 2016 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6 (IHDA) zoning district.
PREMISES AFFECTED – 95 Vandam Street, Block 00597, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

327-88-BZ
APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.
PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.
COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

174-94-BZ
APPLICANT – Gerald J. Caliendo, RA, AIA, for David Rosero, owner.
SUBJECT – Application May 30, 2014 – Extension of the term of the variance, permitting an automotive sales establishment, which expired on May 6, 2012: Waiver of the Rules. R6 zoning district.
PREMISES AFFECTED – 99-07 Roosevelt Avenue, Block 1765, Lot 44, Borough of Queens.
COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

371-01-BZ
APPLICANT – Greenberg Traurig LLP, for 104 Charlton Street Condominium, owner; 537 Greenwich Owner LLC, lessee.
SUBJECT – Application May 19, 2016 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6 (IHDA) zoning district.
PREMISES AFFECTED – 104 Charlton Street, Block 7502, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
PREMISES AFFECTED – 5, 11, 17, 23 Herbert Street and 14 Holtein Avenue, Block 6681, Lot(s) 30, 31, 40, 41, 34, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

272-15-A
APPLICANT – Eric Palatnik, P.C., for Tribanor Real Estate, owner.
SUBJECT – Application December 14, 2015 – Proposed construction of a commercial building, not fronting a legally mapped street, contrary to General City Law 36. M3-1 zoning district.
PREMISES AFFECTED – 35 Derick Court, Block 7206, Lot 510, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

2016-4212-A thru 2016-4214-A
APPLICANT – Law Office of Steven Simicich, for Victory Parish LLC & 4065 Victory Boulevard, LLC, owner.
SUBJECT – Application June 7, 2016 – Proposed construction of a mixed use commercial and residential building not fronting on a legally mapped street, contrary to General City Law 36. C1-2/R3A zoning district.
PREMISES AFFECTED – 4069, 4073, 4077 Victory Boulevard, Block 2771, Lots 4, 5, 6, Borough of Staten Island.
COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

ZONING CALENDAR

176-14-BZ
APPLICANT – Harold Weinberg, for Habib Jaradeh, owner.
SUBJECT – Application July 24, 2014 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family home contrary to floor area, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the required rear yard (ZR 23-47). R5-OP zoning district.
PREMISES AFFECTED – 1981 East 9th Street, Block 7091, Lot 66, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 17, 2016, acting on DOB Application No. 321000545, reads in pertinent part:

> The proposed enlargement of the existing two family residence in an R5 in OPSZD
> 1. Extends the degree of non-compliance of the south side yard and is contrary to Sections 23-461 and 54-313 of the Zoning Resolution (ZR);
> 2. Exceeds the permitted floor area and is contrary to Section 113-51 ZR;
> 3. Exceeds the permitted open space and open space ratio and is contrary to Section 23-141 ZR;
> 4. Exceeds the permitted lot coverage and is contrary to Section 23-141 ZR; [. . .]; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(b), setting forth the maximum floor area ratio, open space and open spaces ratio permitted in an R5 zoning district, is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141 in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR § 730622 to permit, in an R5 zoning district, the Special Ocean Parkway District and the Subdistrict of the Special Ocean Parkway District, the proposed enlargement and of a two-story plus attic two-family residence that does not comply with the zoning requirements for floor area ratio, open space, open space ratio, and side yards, contrary to ZR §§ 23-142, 23-461, 54-313 and 113-51; and

WHEREAS, the applicant also proposes to convert the existing two-family residence to a single-family residence, which is permitted as-of-right; and

WHEREAS, a public hearing was held on this application on August 2, 2016, after due notice by publication in *The City Record*, with a continued hearing on September 20, 2016, and then to decision on September 27, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 9th Street, between Avenue S and Avenue T, in an R5 zoning district, the Special Ocean Parkway District and the Subdistrict of the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 20 feet of frontage along East 9th Street and 2,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story plus attic two-family residence with approximately 1,990 sq. ft. of floor area and a floor area ratio ("FAR") of 1.00; and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing

non-complying side yard and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing two-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area from 1,990 sq. ft. (1.00 FAR) to 3,328 sq. ft. (1.66 FAR), increase the degree of non-compliance of the existing 3'-0" side yard at the front and rear of the residence, decrease the open space on the lot from 1,160 sq. ft. to 813 sq. ft., decrease the open space ratio ("OSR") of the site from 58 percent to 24 percent and increase the lot coverage from 840 sq. ft. (42 percent) to 1,187 sq. ft. (59 percent); and

WHEREAS, at the subject premises, the maximum FAR permitted is 1.50 (3,000 sq. ft. of floor area) pursuant to ZR § 113-51, one side yard with a minimum width of eight feet is required pursuant to ZR § 23-461, an enlargement involving the vertical extension of a building wall may not result in an increase in the degree of non-compliance pursuant to ZR § 54-313, and, pursuant to ZR § 23-142, the maximum lot coverage is 55 percent (1,100 sq. ft.) and the required open space required is 45 percent (900 sq. ft.); and

WHEREAS, the applicant submitted a pre-1961 Sanborn map of the area demonstrating that the existing side yards at the premises are legal non-complying conditions; and

WHEREAS, the applicant represents that the proposed enlargement is consistent with the character of the neighborhood; and

WHEREAS, in support of that contention, the applicant submitted a photographic streetscape showing that the other residential buildings on the same block—including detached, semi-detached and attached one- and two- family residences as well as small apartment buildings—have either very shallow side yards or no side yards at all; an open space diagram demonstrating that residences within a 400 foot radius of the premises have building footprints that extend further to the rear of their respective lots similar to the subject proposal; and an FAR study of one- and two-family residences within 400 feet of the premises highlighting that seven other residences on the same block as the subject premises have FARs greater than 1.50 (specifically, they range from 1.57 to 1.73 FAR);

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R5 zoning district, the Special Ocean Parkway District and the Subdistrict of the Special Ocean Parkway District, the proposed enlargement and of a two-story plus attic two-family residence that does not comply with the zoning requirements for floor area ratio, open space, open space ratio, and side yards, contrary to ZR §§ 23-142, 23-461, 54-313 and 113-51; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 1, 2016"-Nine (9) sheets and "September 22, 2016"-One (1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 3,328 sq. ft. of floor area (1.66 FAR), minimum side yards of 0'-0" and 3'-0", a minimum open space ratio of 24 percent (813 sq. ft.), and maximum lot coverage of 59 percent (1,187 sq. ft.), as illustrated on the BSA-approved plans;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its

jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 27, 2016.

236-15-BZ
CEQR #16-BSA-040Q
APPLICANT – Sheldon Lobel, P.C., for George Acquisition LLC, owner.
SUBJECT – Application October 7, 2015 – Variance (§72-21) to permit the development of a two-story and cellar commercial building contrary to minimum front yard requirements. M1-4D zoning district.
PREMISES AFFECTED – 1677 George Street, Block 3551, Lot 68, Borough of Queens.
COMMUNITY BOARD #5Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated September 23, 2015, acting on Department of Buildings ("DOB") Application No. 421203575 reads in pertinent part:

Front yard not provided, contrary to ZR § 43-304;

and

WHEREAS, this is an application under ZR § 72-21 to permit, in an M1-4D zoning district, the construction of a two-story plus cellar commercial building that does not comply with front yard requirements, contrary to ZR § 43-304; and

WHEREAS, a public hearing was held on this application on July 19, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 23, 2016 and then to decision on September 27, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 5, Queens, recommends approval of the application; and

WHEREAS, the subject site is located on the west side of George Street, between Cypress Avenue and Wyckoff Avenue, in an M1-4D zoning district, in Queens; and

WHEREAS, the site has approximately 50 feet of frontage along George Street, 2,255 sq. ft. of lot area and is currently occupied by a one-story vacant building; and

WHEREAS, the applicant states that the existing building on the premises is unsuitable for renovation or enlargement and proposes to construct a two-story plus cellar building with 4,173 sq. ft. of floor area (1.85 FAR) to be utilized primarily for artist studios (Use Group 9) that does not provide the 20 foot front yard required pursuant to ZR § 43-304; and

WHEREAS, the proposed building will also include commercial spaces (Use Group 6) in the cellar and first floor levels and an accessory caretaker's unit on the second floor with 494 sq. ft. of floor area intended for the exclusive use of the applicant, who is an artist; and

WHEREAS, the proposed caretaker's unit is a permitted accessory use pursuant to ZR §12-10 for which, consistent with that section, the owner has submitted to the Board a draft Restrictive Declaration regarding maintenance and/or repair services at the premises, which must be recorded in the Office of the City Register or the Queens County Clerk's Office with a copy provided to DOB; and

WHEREAS, the applicant states that, pursuant to ZR § 72-21(a), the subject site's narrow width and shallow depth create a practical difficulty and unnecessary hardship in developing the site in conformance with the underlying district regulations; and

WHEREAS, the applicant submitted a uniqueness study of properties within an 800 foot radius of the subject site demonstrating that the subject site is the shallowest lot in the study area and only one other lot of the 443 total lots in the study area has a comparable lot depth (50 feet), but the applicant notes that this lot does not have frontage along the boundary of a manufacturing zoning district and a residential zoning district and is, thus, not similarly burdened by the front yard requirement of ZR § 43-304; and

WHEREAS, the Board agrees that the aforementioned unique physical conditions at the site create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) an as-of-right four-story plus cellar commercial building with a total of 4,655 sq. ft. of floor area (the "As-of-Right Development") and (2) the subject proposal; and

WHEREAS, the applicant represents that only the subject proposal would provide a reasonable return; and

WHEREAS, the As-of-Right Development would provide four artist studios with an average of 589 sq. ft. of floor area in the cellar through third floors, a caretaker apartment with 433 sq. ft. of floor area on the fourth floor and an exterior parking space in the front yard; and

WHEREAS, the subject proposal provides four artist studios with an average of 642 sq. ft. of floor area, a small retail space on the ground floor level facing the street, a caretaker apartment with approximately 494 sq. ft. of floor area on the second floor and an interior parking space at the ground floor; and

WHEREAS, the applicant submits that the As-of-Right Development would be less efficient because a greater proportion of its floor plate would be dedicated to circulation space; that the studios on the third and fourth floors of the As-of-Right Development will be less desirable and command lesser rents than the studios in the subject

proposal because it is a walk-up building where transporting certain artwork and supplies would be more complicated, expensive and time consuming; and that the proposed retail space on the ground floor (which the applicant contemplates will be used by a food and/or beverage operator) will not only provide additional income, but will also provide artist tenants with an on-site amenity, thereby making the building a more desired studio location; and

WHEREAS, the provided financial analysis indicates that the As-of-Right Development would not produce enough income to allow the applicant to realize a positive return while the subject proposal contains sufficient value to be financially feasible for the applicant; and

WHEREAS, upon review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the surrounding area is predominated by residential, warehouse and manufacturing uses, that the proposed artist studios are a conforming use that will fit contextually within that mix of uses and, thus, the subject proposal will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the Board notes that the lots located adjacent to the subject lot have either no front yard or a shallow front yard; and

WHEREAS, in addition, the applicant provided a front yard study of the block on which the subject site is located demonstrating that there are no developed lots therein with front yards measuring 10 feet or greater and submits that the subject proposal, in providing no front yard, will be consistent with the existing streetscape; and

WHEREAS, the Board finds that this action will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant state that, per ZR § 72-21(d), the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, supported by the provided financial analysis, the applicant represents that the capitalized value of the subject proposal is only $16,396 more than the project cost and, thus, the subject proposal is the minimum needed to provide relief; and

WHEREAS, in addition, the applicant submits that a lesser variance scenario of a three-story building with a 10 foot front yard would face developmental challenges similar to those of the As-of-Right Development on account of its height and walk-up character and, further, be inconsistent with the frontages and front yard depths of the adjacent buildings; and

WHEREAS, the Board agrees, in accordance with ZR § 72-21(e), that the subject proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 16-BSA-040Q, dated October 7, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 to permit, in an M1-4D zoning district, the construction of a two-story plus cellar commercial building that does not comply with front yard requirements, contrary to ZR § 43-304; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 9, 2016—eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the site: minimum front yard depth of 0'-0", as reflected on the BSA-approved plans;

THAT the Restrictive Declaration submitted in connection with this application shall be recorded in the Office of the City Register in Queens County prior to the issuance of a Certificate of Occupancy;

THAT a copy of the Restrictive Declaration shall be provided to DOB;

THAT the recorded Restrictive Declaration shall substantially conform to the form and substance of the following:

> DECLARATION, made this __ day of ___, 2016, by GEORGE ACQUISITION LLC, hereinafter referred to as the "Declarant," having an office at 135 Jackson Street, Apt. 4A, Brooklyn, New York 11211.
>
> WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of Queens, designated as Block 3551, Lot 68 on the Tax Map of the City of New York, hereinafter referred to as Parcel A, more particularly described by a metes and bounds description set forth in Schedule A annexed hereto and by this reference made a part hereof;
>
> WHEREAS, the Declarant has requested the New York City Department of Buildings (the "Department of Buildings") to act upon a job application to authorize construction of a caretakers' apartment (the "Caretakers' Apartment") and to issue a new certificate of occupancy to permit an apartment on the second floor of a two-story building located on Parcel A (the "Subject Premises") to be used as a Caretakers' Apartment pursuant to the provisions of Section 12-10 (Accessory Use) of the Zoning

Resolution of the City of New York; and

WHEREAS, the Department of Buildings, pursuant to Section 12-10 (Accessory Use) of the Zoning Resolution of the City of New York, has required the Declarant to execute and file this restrictive declaration prior to acting upon the Application and prior to the issuance of a new certificate of occupancy.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Subject Premises, Declarant does hereby declare, create, impose and establish the following:

1. The Declarant operates an establishment at the Subject Premises that contains uses listed in Use Groups 6 and 9 of the New York City Zoning Resolution.
2. The Subject Premises will contain no more than one living or sleeping accommodation for caretakers.
3. The Caretakers' Apartment will be used for living or sleeping accommodation for caretakers in connection with the Declarant's use of the establishment.
4. The Caretakers' Apartment at the Subject Premises will not exceed 1,200 square feet of floor area.
5. The caretaker(s) will provide the following maintenance and/or repair services for the Subject Premises:
   a. Collect all refuse at the Subject Premises and maintain such refuse in refuse bins in order to perform periodic collection of such bins by private refuse collectors.
   b. Maintain the sidewalk outside the Subject Premises in good repair and in a clean condition.
   c. Maintain the facade of the Subject Premises in a clean and graffiti-free condition.
   d. Maintain and operate the mechanical equipment that heats the Subject Premises.
   e. Maintain the Subject Premises in overall good repair.
   f. Perform any other caretaker functions necessary to insure the continuance of maintenance, security and good repair of the Subject Premises.
6. This declaration may not be modified, amended or terminated without the prior written consent of the Department of Buildings and the Board of Standards and Appeals.
7. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.
8. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy.
9. This declaration shall be recorded at the Queens County City Register's office and the cross-reference number and title of the declaration shall be cited on each temporary and permanent certificate of occupancy hereafter issued to the Subject Premises.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing restrictive declaration as of the date hereinabove written.

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 27, 2016.

4-15-BZ

APPLICANT – Sheldon Lobel, P.C., for Bais Chaya Esther Inc., owner.

SUBJECT – Application January 9, 2015 – Variance (§72-21) to permit the conversion of the existing building at the premises from residential to community facility use.

PREMISES AFFECTED – 119 Webster Avenue, block 5416, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

28-15-BZ
APPLICANT – Law Offices of Marvin B. Mitzner LLC, for Thurcon Properties, owner; SPA 88 LLC, lessee.
SUBJECT – Application February 17, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Spa 88*) on the first, cellar and sub-cellar floors of the existing building. C6-4 zoning district.
PREMISES AFFECTED – 88 Fulton Street, Block 77, Lot 24, Borough of Manhattan.
COMMUNITY BOARD #1M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0
ACTION OF THE BOARD – Laid over to October 14, 2016, at 10 A.M., for decision, hearing closed.

71-15-BZ
APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.
SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.
PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for adjourned hearing.

94-15-BZ
APPLICANT – Issa Khorasanchi, for Gregory Tulston, owner; Aldivent, Inc., lessee.
SUBJECT – Application April 28, 2015 – Special Permit (§73-36) to allow the construction of LA Fitness (*UFC Gym*) on the first floor of this commercial building. C8-1 zoning district.
PREMISES AFFECTED – 16 Brighton 11th Street, Block 8707, Lot 375, Borough of Brooklyn.
COMMUNITY BOARD #13BK
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

137-15-BZ
APPLICANT – Law Office of Jay Goldstein for Congregation YGS, owner.
SUBJECT – Application – Variance (72-21) change of use and enlargement from existing Use Group 9 trade school to use Group 3 religious school (*Yeshiva Godolah Seminary*) with additional classrooms and dormitories. M1-1 zoning district.
PREMISES AFFECTED – 74-10 88th Street, Block 3810, Lot 93, Borough of Queens.
COMMUNITY BOARD #5Q
ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

269-15-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mousa Bukai and Touna Fteha, owners.
SUBJECT – Application December 8, 2015 – Special Permit (§73-622) for the conversion and enlargement of an existing two-family home to a single family residence. R5 (OP) zoning district.
PREMISES AFFECTED – 2076 Ocean Parkway, Block 7108, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for continued hearing.

277-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Benjamin and Rivka Perl, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to (ZR 23-141B). R2 zoning district.
PREMISES AFFECTED – 2621-2623 Avenue R (aka 1788-1798 East 27th Street) Block 6809, Lot 47, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

2016-1216-BZ
APPLICANT –Sheldon Lobel, P.C., for 1128 36th LLC, owner.
SUBJECT – Application February 5, 2016 – Special Permit (§73-19) to allow for a Use Group 3 school (*Yeshiva Ohr Yoseph*) on the basement to third floors of a new six-story building and Special Permit (§73-44) to permit a reduction in the number of accessory off-street parking spaces required pursuant to ZR 44-21 for commercial office use (UG 6B) on the fourth to sixth floors. M1-2 zoning district.
PREMISES AFFECTED – 1128 36th Street, Block 5292, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 27, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

2016-4172-BZ
CEQR #16-BSA-110M
APPLICANT – Jay Goldstein, Esq., for 555 Retail Owner LLC, owner; EVF Performance Inc., lessee.
SUBJECT – Application April 15, 2016 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*EVF Performance*) on a portion of the cellar and first floor. C6-2/C4-7 zoning district.
PREMISES AFFECTED – 555 West 59th Street (543-555 & 559 W 59th Street; 236-254 W 60th Street), Block 1151, Lot 1301, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 1, 2016, acting on Department of Buildings Application No. 121870886, reads in pertinent part:

> "Proposed physical culture establishment is not permitted as-of-right as per ZR 32-10 and a special permit by the Board of Standards and Appeals (BSA) is required to comply with ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site partially located within a C6-2 zoning district and partially located within a C4-7 zoning district, the operation of a physical culture establishment (PCE) in a portion of the subcellar and first floor of an existing 33-story mixed use commercial, residential and community facility building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 27, 2016 after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is a partial through lot with frontages on the north side of West 59th Street and the south side of West 60th Street, between West End Avenue and Amsterdam Avenue, partially within a C6-2 zoning district and partially within a C4-7 zoning district, in Manhattan; and

WHEREAS, the site has approximately 178 feet of frontage along West 59th Street, 250 feet of frontage along West 60th Street, 43,072 sq. ft. of lot area and is occupied by a 33-story mixed use building; and

WHEREAS, the subject PCE occupies 2,480 sq. ft. of floor area on the first floor and 3,770 sq. ft. of floor space in the subcellar of the subject building on the portion of the site located entirely within a C6-2 zoning district; and

WHEREAS, the PCE has been in operation as EVF Performance and Row House since March 2014; and

WHEREAS, the applicant represents that the facility includes a reception area, office, restrooms, offices and one group exercise space for rowing classes on the first floor and an open exercise space in the subcellar level to be used for group classes; and

WHEREAS, the proposed hours of operation are Monday through Friday 5:00 a.m. to 10:00 p.m. and Saturday through Sunday 7:00 a.m. to 7:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that an approved interior fire alarm and automatic sprinkler system has been installed in the entire PCE space and that both systems have been signed-off and approved by DOB; and

WHEREAS, by letter dated September 22, 2016, the Fire Department confirms installation and approval of the interior fire alarm and sprinkler systems at the premises and states that it has no objection to this application; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement projects; and

WHEREAS, the applicant represents that the first floor portion of the PCE is located in a one-story portion of the building with an open plaza above and the subcellar portion

of the PCE is built on a slab with no uses located below such that neither portion of the PCE space will impact other uses in the building or on adjacent properties; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA110M, dated April 15, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site partially located within a C6-2 zoning district and partially located within a C4-7 zoning district, the operation of a physical culture establishment in a portion of the subcellar and first floor of an existing 33-story mixed use commercial, residential and community facility building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 8, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring March 31, 2024;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 27, 2016.

2016-4225-BZ

APPLICANT – William J. Friedman, Esq., for Linda Gold, owner.

SUBJECT – Application July 7, 2016 – Special Permit (§64-A71) to permit the vertical elevation or reconstruction of up to two dwelling units on such zoning lot that contained two or more dwelling units on October 28, 2012, and does not have a certificate of occupancy, or other lawful documentation. R2 zoning district.

PREMISES AFFECTED – 511 Beach 133rd Street, Block 16245, Lot 32, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated June 15, 2016, acting on Department of Buildings ("DOB") Application No. 440307124, reads in pertinent part:

> "Proposed plans request a special permit for establishing non-conformance to ZR 64-A71 to vary ZR Section 22-11 to restore the application premises located in a R2 zone to a two family residence [. . . .]"; and

WHEREAS, this is an application under ZR §§ 64-A71 and 73-03 to permit, on a site located in an R2 zoning district, the reconstruction of a two-family residence, contrary to ZR § 22-11; and

WHEREAS, the property is located in a Neighborhood Recovery Area pursuant to ZR § 64-A82(c), that is, a neighborhood with a high concentration of damage to single- and two-family residences from Hurricane Sandy, and is a participant in the Build it Back program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, a public hearing was held on this application on September 27, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, New York City Council Member Eric Ulrich and State Assemblyman Phil Goldfeder submitted letters in support of this application; and

WHEREAS, Commissioner Ottley-Brown performed an inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of Beach 133rd Street, between Beach Channel Drive and Cronston Avenue, in an R2 zoning district, in Queens; and

WHEREAS, the site has approximately 50 feet of frontage along Beach 133rd Street, 5,000 sq. ft. of lot area

and is occupied by a two-story plus basement residence; and

WHEREAS, two-family residences are not permitted in an R2 zoning district, pursuant to ZR § 22-11; and

WHEREAS, pursuant to ZR § 64-A71, the Board may permit the reconstruction of up to two dwelling units on a zoning lot that contained two or more dwelling units on October 28, 2012 and does not have a Certificate of Occupancy, or other lawful documentation, indicating that more than one dwelling unit existed on the zoning lot on such date; and

WHEREAS, the applicant has owned the site since 1979 and represents that since that time, and specifically on October 27, 2012, the residence was occupied as a two-family residence; and

WHEREAS, the August 18, 1954 Certificate of Occupancy for the subject premises indicates that the residence was utilized as a two-family residence, but the most recent Certificate of Occupancy for the premises, dated October 19, 1993, indicates a change in use to a single-family residence; and

WHEREAS, the applicant represents that the 1993 Certificate of Occupancy was obtained without her knowledge and provided documentation demonstrating that two dwelling units existed on the site on October 28, 2012; and

WHEREAS, specifically, the applicant submitted to the Board a New York City Department of Finance ("DOF") Notice of Property Value for the premises dated January 15, 2012 and a DOF Final Assessment Roll for the premises as of January 5, 2013, indicating that the residence is a Class B2 (two-family dwelling) building under the Building Code; a printout of the property's DOB BIS profile indicating the building's classification as B2 – two-family dwelling; and a Build it Back Rehabilitation Job Order summarizing the description of the property upon inspection on June 23, 2014, as containing two residential units; and

WHEREAS, based on the evidence provided, the Board finds that two dwelling units existed on the site on October 28, 2012; and

WHEREAS, the applicant represents that the surrounding area includes other two-family residences, thus, the restoration of the two previously existing residential units at the site will not disadvantage the community at large and any perceived hazards would be outweighed by the advantages of restoring the subject site to its pre-Sandy condition; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit is outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant represents that the proposed special permit will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 64-A71 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 64-A71 and 73-03 to permit, on a site located in an R2 zoning district, the reconstruction of a two-family residence, contrary to ZR § 22-11; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 7, 2016"- Five (5) sheets; and *on further condition*:

THAT the reconstruction at the site shall be in accordance with Appendix A of Chapter 4 of Article VI of the Zoning Resolution (ZR § 64-A00 et seq.), the New York City Construction Codes and the bulk provisions of ZR § 64-A30;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 27, 2016.

22-15-BZ

APPLICANT – Simons & Wright LLC, for 219 26th Street, LLC, owner.

SUBJECT – Application February 5, 2015 – Variance (72-21) to proposed to construct a residential building on a small lot at premises, located in an M1-1D zoning district, contrary to (Section 42-00) not permitted as of right.

PREMISES AFFECTED – 219 26th Street, Block 655, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

2016-1221-BZ

APPLICANT – Jay Goldstein, Esq., for Fifth Jam Development, LLC, owner; EVF Row House Inc., lessee.

SUBJECT – Application February 11, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Row House*) on the second floor of an existing commercial building. C2-7A zoning district.

PREMISES AFFECTED – 269 West 23rd Street, Block 773, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

2016-4151-BZ
APPLICANT – Eric Palatnik, P.C., for Joseph Goldzal, owner.
SUBJECT – Application March 25, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage(ZR 23-141). R3-2 zoning district.
PREMISES AFFECTED – 1814 East 28th Street, Block 6833, Lot 11, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 1, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on October 16, 2015, under Calendar No. 69-95-BZ and printed in Volume 100, Bulletin No. 42, is hereby corrected to read as follows:

69-95-BZ

APPLICANT – Fox Rothschild, LLP, for Hudson River Park Trust, owner; Chelsea Piers Management, Incorporated, lessee.

SUBJECT – Application May 18, 2015 – Extension of Term of a previously approved Special Permit (73-36) permitting the operation of a physical culture establishment (*The Sports Center at Chelsea Piers*) which expires on August 6, 2015. M2-3 zoning district.

PREMISES AFFECTED – 111B Eleventh Avenue, west side of West Street between West 19th and West 20th Streets, Block 00662, Lot 0016, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez……..…….....4

Negative:.....0

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a previously granted variance for a Physical Culture Establishment (PCE), which expired on August 8, 2015; and

WHEREAS, a public hearing was held on this application on September 1, 2015, after due notice by publication in *The City Record*, and then to decision on October 16, 2015; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Vice-Chair Hinkson; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located on the west side of West Street, between West 19th and West 20th streets; and

WHEREAS, the PCE, operated as the Sports Center at Chelsea Piers, is located at Pier 60, and is within the Chelsea Piers Sports and Entertainment complex, which includes Piers 59 through 62; and

WHEREAS, Pier 60 is occupied by a two-story with mezzanines building and is located within an M2-3 zoning district; and

WHEREAS, the PCE occupies a portion of the first floor, and the entire second floor and second-floor mezzanine, for a total of 115,960 sq. ft. of floor area in the subject building; and

WHEREAS, the Board notes that the other portions of the sports complex are occupied by uses which do not require the special permit and therefore are not under the Board's jurisdiction; and

WHEREAS, on August 8, 1995, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE in the subject building and in an additional part of the complex, located between Piers 61 and 62, known as the North Headhouse; and

WHEREAS, on March 15, 1994, under BSA Cal. No. 87-93-A, the Board granted an appeal to permit a variance of certain provisions of the Building Code relating to fire safety protection in anticipation of the development of the subject piers; and

WHEREAS, in 2006, the applicant also requested an amendment to reflect that, although the approved plans indicate PCE use at Pier 60 (115,960 sq. ft.) and in the North Headhouse (65,821 sq. ft.), the North Headhouse space was occupied by non-PCE use; and

WHEREAS, the applicant submitted new drawings and floor area calculations reflecting the as-built conditions, and illustrating that the PCE use was confined to Pier 60; and

WHEREAS, the applicant now requests an additional ten-year term from the term expiration of August 8, 2015; and

WHEREAS, at hearing, the Board requested that the applicant submit evidence that the Fire Department had approved the fire alarm system; and

WHEREAS, in response, the applicant submitted a letter, dated February 16, 2001, which reflects the Fire Department's approval of the Class E fire alarm system and a letter, dated April 30, 2015 from Chelsea Piers, which describes the facility's compliance with fire safety requirements and the conditions from the Board's prior approvals; the applicant also submitted a letter from the Fire Department, dated October 16, 2015, which states that the agency does not have any objection to the current application; and

WHEREAS, based on the above, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 8, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, and that all work and site conditions will comply with drawings marked 'Received September 21, 2015"–(6) sheets; and *on condition*:

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant will be limited to a term of ten years, expiring on August 8, 2025;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or

configuration(s) not related to the relief granted."
(DOB Application No. 100619957)

Adopted by the Board of Standards and Appeals, October 16, 2015.

The resolution has been amended to correct the term which read: *August 8, 2015* **now reads:** *August 8, 2025*. **Corrected in Bulletin No. 39, Vol. 101, dated October 5, 2016.**

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BULLETIN

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CALENDAR of November 15, 2016
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Friday, OCTOBER 14, 2016

Morning Calendar .....

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30-00-BZ	465-469 West 165th Street and 458-464 West 166th Street, Manhattan
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2016-4124-BZ	238 Bedford Avenue (a/k/a 118 North 4th Street, 185 Berry Street), Brooklyn

Correction .....

Affecting Calendar Numbers:

64-15-BZ	39 Clarkson Street, Manhattan

2016-4260-A
240-45 Depew Avenue, located 295' west of 243rd Street, Block 08103, Lot(s) 113, Borough of **Queens, Community Board: 11**. Proposed extension of an existing building located in the bed of a mapped street contrary to Section 35 of the General City Law. R1-2 zoning district. R1-2 district.

2016-4261-A
240-45 Depew Avenue, located 295' west of 243rd Street, Block 08103, Lot(s) 113, Borough of **Queens, Community Board: 11**. Proposed new accessory garage located in the bed of a mapped street contrary to Section 35 of the General City Law. R1-2 zoning district. R1-2 district.

2016-4262-BZ
279 Church Street, located on the east side of Church Street between Franklin and White Streets, Block 00175, Lot(s) 16, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) to permit the operation of a physical culture establishment (Lyons Den Power Yoga) on the second and third floors of an existing building. C6-2A (Tribeca East Historic District) zoning district. C6-2A district.

2016-4263-A
235 Industrial Loop, located on the east side of Industrial Loop, approx. 1798.15 ft. north of the intersection with Arthur Kill Road, Block 07206, Lot(s) 314, Borough of **Staten Island, Community Board: 3**. Proposed development of a two-story building with warehouse use on the first floor (UG 16B) and office use on the second floor (UG 6) not fronting on a mapped street contrary to General City Law 36. M3-1(SRD) M3-1(SRD) district.

2016-4264-BZ
194 Moffat Street, located on the south side of Moffat Street 200' feet east of the intersection form by Central Avenue and Moffat Street, Block 03447, Lot(s) 16 & 17 (Tent 16), Borough of **Brooklyn, Community Board: 3**. Variance (§72-21) to permit a residential development consisting of a four story, ten unit multiple dwelling, contrary to use regulations (§42-00). M1-1 zoning district. M1-1 district.

2016-4265-BZ
25 Bleecker Street, located on the northerly side of Bleecker Street between the Bowery to the east and Lafayette Street to the west., Block 00529, Lot(s) 54, Borough of **Manhattan, Community Board: 2**. Variance (§72-21) to permit the development of a six-story and penthouse structure containing commercial retail (UG 6) on the first and cellar floors contrary to ZR §42-14(D)(2)(B) and residential (UG 2) in the upper floors contrary to ZR §42-10. The proposed rear yard does not comply with ZR §§43-26 & 43-27. M1-5B (NOHO Historic District) zoning district. M1-5B district.

2016-4266-BZ
330 East 59th Street, located on East 59th Street between Second and First Avenues., Block 01351, Lot(s) 36, Borough of **Manhattan, Community Board: 6**. Special Permit (§73-36) to permit the operation of a physical culture establishment (ICE NYC) in portions of the ground and cellar of an existing building. C2-5/R8 zoning district. C2-5/R8 district.

2016-4267-BZ
145 Clinton Street, located alon Clinton Street between Broome and Grand Streets, Block 00346, Lot(s) 7501, Borough of **Manhattan, Community Board: 3**. Special Permit (§73-36) to permit the operation of a physical culture establishment (Planet Fitness) on a portion of the second floor of a new building. C2-5/R8 zoning district. C2-5/R8 district.

2016-4268-A
30 Prince Street, located approximately 88' feet north of the northeast corner formed by Prince and Tillary Streets, Block 00122, Lot(s) 10, Borough of **Brooklyn, Community Board: 2**. Appeal from Department of Buildings determination that a sign is not entitled to con-conforming use status as advertising sign at the existing size and height. C6-2 district.

2016-4269-A
4006 Atlantic Avenue, located on Atlantic Avenue between Beach 40th and Beach 42nd Streets, Block 07042, Lot(s) 1, Borough of **Brooklyn, Community Board: 13**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-1 zoning district. R3-1 district.

2016-4270-BZ
540 5th Avenue, located on Fifth Avenue between 14th and 15th Streets, Block 01041, Lot(s) 41, Borough of **Brooklyn, Community Board: 6**. Special Permit (§73-36) to permit the operation of a physical culture establishment (iLoveKickboxing) in the cellar and first floor of an existing building. C4-3A zoning district. C4-3A district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
NOVEMBER 15, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 15, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

227-02-BZ
APPLICANT – Stanley K. Schlein, Esq., for 4201 Webster Corp., owner.
SUBJECT – Application August 21, 2015 – Extension of Term (§§72-01 and 72-22) of a previously approved variance which permitted the operation of an automotive service station (UG 16B) with an accessory convenience store which expired on December 12, 2013; Amendment to the condition of term since the term expired in excess of 2 years but less than ten years; Extension of Time to Obtain a Certificate of Occupancy which expired on December 10, 2006; Waiver of the Board's Rules. R7-A zoning district.
PREMISES AFFECTED – 527 East 233rd Street, Block 3395, Lot 80, Borough of Bronx.
COMMUNITY BOARD #12BX

APPEALS CALENDAR

2016-4278-A thru 2016-4280-A
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – GCL 36 for three (3) properties destroyed or substantially damaged by Hurricane Sandy (Build It Back).
PREMISES AFFECTED –
173 Cedar Grove Avenue, Staten Island, Block 4029, Lot 1
229 Father Capodanno Boulevard, Staten Island, Block 3122, Lot 140
9 Van Brunt Road, Queens, Block 15485, Lot 12
COMMUNITY BOARD #2 & 3 SI and 14Q

2016-4281-A thru 2016-4293-A
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – GCL 36 for Thirteen (13) properties destroyed or substantially damaged by Hurricane Sandy (Build It Back).
PREMISES AFFECTED – Various locations in Queens in Staten Island
COMMUNITY BOARD #2 & 3 SI and 14Q

REGULAR MEETING

NOVEMBER 15, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 15, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

174-14-BZ
APPLICANT – Jim Kusi, for Robert Calcano, owner.
SUBJECT – Application July 23, 2014 – Re-instatement (§11-411) of a previously approved variance permitting the operation an Automotive Service Station (UG 16B) with accessory uses which expired November 6, 1994; Waiver of the Rules. C1-4/R7-1 zoning district.
PREMISES AFFECTED – 820 East 182nd Street aka 2165-75 Southern Boulevard, Block 3111, Lot 59, Borough of Bronx.
COMMUNITY BOARD #2BX

2016-1217-BZ
APPLICANT – Law Office of Jay Goldstein, for 839-45 Realty LLC, owner.
SUBJECT – Application February 8, 2016 – Variance (§72-21) to allow for the enlargement of an existing two-family home contrary to ZR Sections 23-141(c) (Open Space ("OS")/Open Space Ratio ("OSR")/Lot Coverage ("LC")), 23-45(a) (Front Yard), 23-461(b) (Side Yard), 23-841(Narrow Outer Court) and 25-621(b) (parking). R4 zoning district.
PREMISES AFFECTED – 45 Southgate Court (2344-2354 West 1st Street), Block 7174, Lot 49, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4228-BZ
APPLICANT – Snyder & Snyder, LLP, for Cleveland Arms Apt. Corp., owner; New York SMSA Limited Partnership d/b/a Verizon Wireless, lessee.
SUBJECT – Application July 21, 2016 – Special Permit (§73-30) to permit the increase of a public utility wireless communications facility's (*Verizon Wireless*) equipment room in the basement of an existing building contrary to ZR §22-21. C2-8/R8 zoning district.
PREMISES AFFECTED – 205 West 95th Street, Block 1243, Lot 28, Borough of Manhattan.
COMMUNITY BOARD #7M

2016-4294-BZ
APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Irene O'Brien, lessee.
SUBJECT – Application November 1, 2016 – Reconstruction (§64-92) of storm damaged dwelling through the NYC Build It Back program. Proposed dwelling maintains existing non-complying side yard setback but exceeds the original footprint. R-4 zoning district.
PREMISES AFFECTED – 718 Liberty Lane, Block 16350, Lot 300. Borough of Queens.
COMMUNITY BOARD #14Q

2016-4300-BZ
APPLICANT – Gary Lenhart, R.A.
SUBJECT – Application November 9, 2016 – Special Permit (§64-92) Application for reconstruction of storm damaged single family home through the NYC Build it Back Program. Proposed dwelling exceeds original footprint and modifies existing non-complying side yard contrary to ZR §23-461(a) and requires relief of front yard contrary to ZR §23-45. R-4 zoning district.
PREMISES AFFECTED – 5 Bedford Avenue, Block 16350, Lot 300. Borough of Queens.
COMMUNITY BOARD #14Q

Ryan Singer, Executive Director

REGULAR MEETING
FRIDAY MORNING, OCTOBER 14, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

472-37-BZ
APPLICANT – Eric Palatnik, P.C., for 246 Sears Road Realty Corp., owner.
SUBJECT – Application October 14, 2014 – Extension of Term (§11-411) for the continued operation of an automotive service station which expired on January 27, 2014; Amendment (§11-412) to permit the conversion of repair bays into convenient store, the addition of a new canopy and relocation of fuel storage tanks. R5 zoning district.
PREMISES AFFECTED –2765 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 06915, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #13BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure, an extension of term of a variance previously granted by the Board, pursuant to ZR § 11-411, and an amendment of the variance, pursuant to ZR § 11-412; and

WHEREAS, a public hearing was held on this application on November 17, 2015, after due notice by publication in *The City Record*, with continued hearings on February 23, 2016, April 26, 2016, and July 19, 2016, and then to decision on October 14, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Cropsey Avenue and 28th Avenue, in an R5 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 97 feet of frontage along Cropsey Avenue, 125 feet of frontage along 28th Avenue, 8,400 sq. ft. of lot area and is occupied by a gasoline service station with a one-story accessory building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 18, 1941 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station, office, lubritorium and auto laundry at the premises for a term of ten (10) years, expiring November 18, 1951; and

WHEREAS, the Board has, from time to time and under the same calendar number, reopened the variance to extend the time to complete construction and/or obtain a Certificate of Occupancy, amended the variance to permit alterations at the site and granted extensions of the term of the variance; and

WHEREAS, most recently, on July 15, 2003, under the same calendar number, the Board extended the term of the variance for a term of ten (10) years, which expired on March 14, 2011; and

WHEREAS, the previous term of the variance having expired, the applicant seeks an additional term for the variance, pursuant to ZR § 11-411, as well as amendments to the variance, pursuant to ZR § 11-412, to reflect the addition of a canopy and new tanks, modifications to the pump islands, alterations to the façade and interior layout of the accessory building, and a replacement of the repair bays with a convenience store; and

WHEREAS, the applicant represents that the gasoline service station at the site has been inactive since the termination of the former operator's lease in 2004 and that, in 2009, the applicant filed a complaint against the operator/lessee alleging breach of contract related to remediation of fuel spills at the site (the "2009 Litigation"); and

WHEREAS, the applicant submits that the 2009 Litigation tolled the two (2) year continuous period after which, pursuant to ZR § 52-61, the non-conforming use of a building or structure must thereafter be used only for a conforming use; and

WHEREAS, the 2009 Litigation having been finally resolved with a settlement between the parties on October 7, 2014, the applicant submits that that is the time at which discontinuity of the gasoline service station use of the premises should start to run and, thus, this application for an extension of term was timely filed; and

WHEREAS, ZR § 52-61 refers to the discontinuance of a "non-conforming use," which is defined in ZR § 12-10 as "any lawful use, whether of a building or other structure or of a zoning lot, which does not conform to any one or more of the applicable use regulations of the district in which it is located, either on December 15, 1961 or as a result of any subsequent amendment thereto"; and

WHEREAS, accordingly, a "non-conforming use" is a use that was lawfully established and maintained at the time of its construction but made unlawful by the enactment of the Zoning Resolution or any subsequent amendment to the same; and

WHEREAS, therefore, the Board notes that uses authorized by the Board by variance are not "non-conforming uses" and, thus, ZR § 52-61 is inapplicable; and

WHEREAS, the Board notes, in addition, that the conditions under which a variance will lapse are set forth in ZR § 72-23, which provides the following:

> A variance granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for

which such variance is granted, has not been completed within four years from the date of granting such variance by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision to grant any variance, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals; and

WHEREAS, the Board acknowledges that judicial proceedings may toll the four-year period after which a variance grant will lapse pursuant to ZR § 72-23 for failure to substantially complete construction, but only if such proceedings are "instituted to review the Board's decision to grant any variance"; and

WHEREAS, because the 2009 Litigation was a judicial proceeding between private parties and not instituted to contest the Board's decision regarding a variance, the Board finds that the 2009 Litigation did not toll the lapse of the subject variance as contemplated by ZR § 72-23 for failure to substantially complete construction; and

WHEREAS, therefore, the variance permitting a gasoline service station at the premises has lapsed as a matter of law; and

WHEREAS, pursuant to the Board's Rules of Practice and Procedure § 1-07.3(b)(3)(i), applications for extension of term of a pre-1961 use variance may be filed more than two (2) years after but less than ten (10) years after the expiration of the term provided that the applicant requests a waiver, demonstrates that the use has been continuous since the expiration of the term and that substantial prejudice would result without with waiver; and

WHEREAS, the Board finds that the applicant is ineligible for a waiver pursuant to Rule § 1-07.3(b)(3)(i) because of the inability to demonstrate both that the use has been continuous since 2011 and that substantial prejudice would result without the waiver; and

WHEREAS, with regards to continuity of use, the applicant admits that the use has been discontinued at the site since 2004; and

WHEREAS, with regards to substantial prejudice, the Board notes that materials from the 2009 Litigation submitted by the applicant into the record reveal that the applicant was aware of the risks associated with a delayed filing of an application with the Board for an extension of term and failing to re-open the gasoline service station while the litigation was pending; and

WHEREAS, even if the inactivity at the site in the period between the New York State Department of Environmental Conservation's ("DEC") issuance of a Notice of Violation at the site in September 2003 (or, even more generously, the former tenant's vacancy of the site in 2004) and the official closure of DEC's spill inquiry at the premises in December 2008 was viewed in the light most favorable to the applicant—that is, as a discontinuance of the use at governmental direction—nothing prevented the applicant from reestablishing the gasoline service station at the premises between December 2008 and March 2011, while the variance was still valid; and

WHEREAS, further, the Board finds that the applicant will not suffer substantial prejudice because the site has been successfully remediated and the applicant received a cash settlement from the lessee comparable to the amount it would have cost to reconstruct the former use; and

WHEREAS, finally, pursuant to ZR § 11-411, the Board is authorized to extend the term of a use authorized subject to a term of years "in appropriate cases"; and

WHEREAS, in light of the facts that the previously approved use has been absent from the site for 12 years, that in that time the area has become accustomed to its absence, and that the area surrounding the site is predominated by residential, rather than commercial, uses, the Board finds that neighborhood conditions have changed and that an extension of term of the variance is not appropriate in this case; and

Therefore it is Resolved, that the application for a waiver of the Board's Rules of Practice and Procedure, pursuant to Rule § 1-07.3(b)(3)(i); an extension of term of a variance previously granted by the Board, pursuant to ZR § 11-411; and an amendment of the variance to permit specified alterations to the site, pursuant to ZR § 11-412, is *denied*.

Adopted by the Board of Standards and Appeals, October 14, 2016.

528-64-BZ

APPLICANT – Gerald Caliendo, RA, AIA, for 240-02 Realty LLC/Tim Brolieb, owner.

SUBJECT – Application November 4, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the erection of a two story enlargement of an auto showroom (UG 16B). The amendment seeks to enlarge the existing automobile showroom and include an addition of a parking deck to the existing automobile dealership (*East Hills Chevrolet*). R1-2 zoning district.

PREMISES AFFECTED – 240-02 Northern Boulevard, southwest corner of Alameda Avenue and Northern Boulevard, Block 08167, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

1255-80-BZ

APPLICANT – Gerald J. Caliendo, RA. AIA, for Brett Morgan LLP, owner.

SUBJECT – Application November 23, 2014 – Extension of Term; Amendment and Waiver 72-01: request an extension of term for a previously expired variance that expired on 6/2/2011 and Amendment to change from the use (UG 17) to (UG6) and also require Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 35-33 31st Street, Block 00604, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

30-00-BZ
APPLICANT – Fried, Frank, Harris Shriver & Jacobson LLP, for The Trustees of Columbia University in the City of New York, lessee.
SUBJECT – Application February 17, 2016 – Extension of term of a previously granted variance granted pursuant to §72-21 of the zoning resolution which permitted an open parking lot (Use Group 8) which expired on February 6, 2016. R7-2 zoning district.
PREMISES AFFECTED – 465-469 West 165th Street and 458-464 West 166th Street, Block 2111, Lot(s) 53, 54, 55, 57, 71, 72, 73, Borough of Manhattan.
COMMUNITY BOARD #12M
ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

74-07-BZ
APPLICANT – Fried, Frank, Harris, Shriver & Jacobson LLP, for Trustees of the Congregation Shearith Israel of the City of New York, owner.
SUBJECT – Application June 16, 2016 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting a nine (9) story residential/community facility building contrary to regulations for lot coverage (§24-11), rear yard (§24-36), base height, building height and setback (§23-633) and rear setback (§23-663) which expired on January 22, 2016; Amendment to the approved plans; Waiver of the Rules. R8B and R10A districts.
PREMISES AFFECTED – 6-10 West 70th Street, Block 1122, Lot(s) 36 & 37, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Laid over to February 10, 2017, at 10 A.M., for continued hearing.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK
ACTION OF THE BOARD – Off-Calendar.

APPEALS CALENDAR

2016-4129-A & 2016-4130-A
APPLICANT – Eric Palatnik, P.C., for Harris Lane Associates Corp., owner.
SUBJECT – Application March 4, 2016 – Proposed construction of family dwelling not fronting on a legally mapped street contrary to General City Law 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 72 & 74 Harris Lane, Block 7094, Lot(s) 1 & 9, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

ZONING CALENDAR

28-15-BZ
CEQR #15-BSA-156M
APPLICANT – Law Offices of Marvin B. Mitzner LLC, for Thurcon Properties, owner; SPA 88 LLC, lessee.
SUBJECT – Application February 17, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Spa 88*) on the first, cellar and sub-cellar floors of the existing building. C6-4 zoning district.
PREMISES AFFECTED – 88 Fulton Street, Block 77, Lot 24, Borough of Manhattan.
COMMUNITY BOARD #1M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated February 13, 2015 acting on Department of Buildings ("DOB") Application No. 122135992, reads in pertinent part:

> "A physical culture establishment in zoning district C6-4 is not permitted as of right. A Special Permit is required from the Board of Standards and Appeals . . . ."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located within a C6-4 zoning district, the operation of a physical culture establishment (PCE) in a seven-story mixed-use commercial and residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on August 16, 2016, after due notice by publication in *The City Record*, with a continued hearing on September 27, 2016 and then to decision on October 14, 2016; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of the intersection of Fulton Street and Gold Street, in a C6-4 zoning district, in Manhattan; and

WHEREAS, the site has approximately 102 feet of frontage along Fulton Street, 220 feet of frontage along Gold Street, 20,890 sq. ft. of lot area and is occupied by a seven-story mixed-use commercial and residential building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 27, 1979 when, under BSA Cal. No. 998-79-BZ, the Board granted a special permit to permit a PCE in the sub-cellar mezzanine level of the building for a term of five (5) years, expiring November 27, 1984, with hours of operation limited to 7:00 a.m. to 11:00 p.m., seven days a week; and

WHEREAS, on February 9, 1988, under BSA Cal. No. 998-79-BZ, the Board extended the term of the special permit for an additional seven (7) years, expiring November 27, 1991, for the PCE use which had expanded into the sub-cellar, cellar and roof levels of the building; and

WHEREAS, the prior term having expired in 1991, the applicant seeks a new special permit legalizing the PCE, which has continuously existed at the site since 1979; and

WHEREAS, the subject PCE occupies 9,513 sq. ft. of floor space in the sub-cellar, 8,756 sq. ft. of floor space in the cellar, 1,127 sq. ft. of floor space in the cellar mezzanine and 65 sq. ft. of floor area on the first floor of the subject building (a total of 19,461sq. ft. of total floor space and floor area); and

WHEREAS, other commercial tenants are located on the cellar and cellar mezzanine levels of the building and residential units are located on the first floor and above; and

WHEREAS, residential units are also located on the cellar mezzanine level of the building, and appear on both the 1980 and 1990 Certificates of Occupancy for the building, but the applicant states that this is a grandfathered condition; and

WHEREAS, the applicant represents that the PCE no longer operates on any portion of the roof; and

WHEREAS, the subject PCE is operated as Spa88 and its facilities include a swimming pool, Jacuzzis, steam rooms, massage rooms, a juice bar and an eating and drinking establishment; and

WHEREAS, the PCE represents that all massages are performed by New York State licensed massage therapists; and

WHEREAS, the PCE's hours of operation are 11:00 a.m. to 11:00 p.m., seven days a week; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, by letter dated August 9, 2016, the Fire Department raised issues regarding egress, the absence of an internal fire alarm and the unknown status of the sprinkler system; and

WHEREAS, in response, the applicant clarified the routes for the required means of egress, removed a door that opened against egress flow, contrary to the Building Code, confirmed that an interior fire alarm system had been installed and was awaiting final inspection and signoff, and stated that testing of the sprinkler system and standpipe was rescheduled at the Fire Department's request; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-156M, dated February 7, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to legalize, on a site located within a C6-4 zoning district, the operation of a physical culture establishment in a seven-story mixed-use commercial and residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 7, 2016"-Five (5) sheets; and *on further condition*:

THAT the special permit will be for a term of ten (10) years, expiring October 14, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all massages shall be performed by New York State-licensed massage therapists only;

THAT the hours of operation shall be limited to 11:00 a.m. to 11:00 p.m., seven days a week;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by October 14,, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its

jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 14, 2016.

271-15-BZ
CEQR #16-BSA-056R
APPLICANT – Philip L. Rampulla, for Lester Realty Associates Corp., owner.
SUBJECT – Application December 10, 2015 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16). C2-1/R3-2 zoning district.
PREMISES AFFECTED – 1842 Victory Boulevard, Block 713, Lot 101, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Commissioner, dated March 23, 2016, acting on Department of Buildings ("DOB") Application No. 520257258, reads in pertinent part:

> UG 16 Open Automotive Sales and Automotive Service Station is not permitted within R3-2 Zoning District with C2-1 commercial overlay; and

WHEREAS, this is an application for a special permit pursuant to ZR §§ 73-211 and 73-03 to permit the reconstruction of an existing automotive service station with an accessory convenience store (Use Group 16) on a site located in an R3-2 (C2-1) zoning district; and

WHEREAS, a public hearing was held on this application on May 24, 2016 after due notice by publication in *The City Record*, with continued hearings on July 12, 2016, September 13, 2016, and then to decision on October 14, 2016; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application on condition that the parking plan be designed to direct exiting traffic northbound only onto Lester Street towards Victory Boulevard; and

WHEREAS, Staten Island Borough President James Oddo and New York City Council Member Steven Matteo have submitted letters in opposition to the application, expressing concerns regarding an upcoming capital project to widen Victory Boulevard, the propose use's negative impact on both car and pedestrian traffic in the area, and a lack of sufficient car reservoir space on the site; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of Victory Boulevard and Lester Street, in an R3-2(C2-1) zoning district, on Staten Island; and

WHEREAS, the site has approximately 75 feet of frontage along Victory Boulevard, 150 feet of frontage along Lester Street, and 12,500 sq. ft. of lot area; and

WHEREAS, Lot 101 is occupied by an existing automobile services station and Lot 109 is occupied by a two-story dwelling that will be demolished to accommodate the subject proposal; and

WHEREAS, Lot 109 was acquired by the applicant and added to the proposal, thereby increasing the lot size, in response to concerns raised by both the Board and Staten Island Borough President that the space available on Lot 101 alone was inadequate for the proposed use; and

WHEREAS, the Board notes that Community Board 1's recommendation and condition pre-date the modification of the proposal to include Lot 109; and

WHEREAS, the applicant proposes to construct an automotive service station with six gasoline pumps and a convenience store with a drive-through window and 1,424 sq. ft. of floor area; and

WHEREAS, the required findings for the special permit for automotive service stations in certain districts, pursuant to ZR § 73-211, are as follows: (1) that the site is located within certain commercial zoning districts in which the longer dimension is at least 375 feet; (2) that the site has a minimum area of 7,500 sq. ft.; and (3) the site has a maximum lot area of 15,000 sq. ft. unless it is located on an arterial highway or a major street; and

WHEREAS, the Board confirms that the commercial zoning district in which the subject site is located in a C2-1 zoning district that has a length of at least 375 feet; that the subject site has a minimum of 7,500 sq. ft. of lot area and that the site is located on a major street, thus the maximum lot area provision of ZR § 73-211 is not applicable; and

WHEREAS, pursuant to ZR § 73-211, the Board is required to prescribe the following conditions: (1) that any facilities for lubrication, minor repairs or washing are located within a completely enclosed building; (2) that the site is so designed as to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available within an enclosure lubritorium or at the pumps; (3) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the automotive service station will cause a minimum of obstruction on streets or sidewalks; (4) that, along any rear lot line or side lot line adjoining a Residence District, the zoning lot is screened, as the Board may prescribe, by either of the following methods: (i) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or (ii) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and (5) that signs, other than advertising signs, shall be subject to the

applicable district sign regulations, provided that: (i) in C2 Districts, the provisions of Sections 32-642 (Non-illuminated signs) and 32-643 (Illuminated non-flashing signs) shall be modified to permit non-illuminated or illuminated non-flashing signs with a total surface area not exceeding 150 square feet on any zoning lot; and (ii) the provisions set forth in Section 32-652 (Permitted projection in all other Commercial Districts) may be modified in accordance with the provisions of Section 73-212 (Projection of accessory signs); and

WHEREAS, the applicant represents that the proposed automotive service station will not have facilities for lubrication, minor repairs or washing of automobiles and that the site provides five reservoir spaces on the zoning lot in addition to the spaces at the pumps; and

WHEREAS, in reference to vehicular movement on the site, the applicant submits that the pick-up window is oriented so as to increase the line of sight for drivers as they exit the premises; that a dedicated automobile queuing lane has been established for the drive-through that can accommodate more than ten cars; that the curb cuts proposed for both Lester Street and Victory Boulevard will allow an equal distribution of traffic onto and off of the site; and that that field observations of two nearby businesses with traffic comparable to that expected at the subject site revealed that that proposed site plan will not obstruct the streets or sidewalks and not adversely affect traffic or pedestrian conditions; and

WHEREAS, the applicant proposes a 7'-wide planting island with a 6' high solid vinyl fence at the lot line shared with the neighboring R3-1 zoning district; and

WHEREAS, the applicant also proposes to provide five illuminated signs, ranging in size from 15 sq. ft. to 50 sq. ft., totaling 150 sq. ft., none of which will face the adjoining Residence District and none of which will project over the property line; and

WHEREAS, the Board finds that the applicant has submitted sufficient evidence that the findings set forth in ZR § 73-211 have been met; and

WHEREAS, the applicant states that the Department of Transportation in the design stage of a capital improvement project which would widen Victory Boulevard from Sommers Lane to Raymond Avenue, located one block east of the subject site (HWR00505); and

WHEREAS, the Board finds that the subject proposal will not interfere with an pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguard imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-211 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement ("EAS"), CEQR No. 16BSA056R, dated September 29, 2016; and

WHEREAS, the EAS indicates that a Getty service station formerly operated at the subject site for several years, that past fuel tank leaks were identified, investigated and remediated by the New York State Department of Environmental Conservation ("NYSDEC") (documented as NYSDEC Spill #93-00063) and that DEC issued a letter, dated November 6, 2015, indicating that no further remedial action at the site was required; and

WHEREAS, by letter dated September 26, 2016, the Department of Transportation ("DOT") confirmed that it had reviewed the EAS and screening assessments provided by the applicant and concluded that no further analysis of traffic at the site was warranted; and

WHEREAS, the EAS documents that the proposed construction of an automotive service station with six gasoline pumps and a convenience store with a drive-through window will not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board has determined that the operation of the automotive service station at the premises will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-211 and 73-03 to permit, in an R3-2 (C2-1) zoning district, the reconstruction of an existing automotive service station with an accessory convenience store (Use Group 16); *on condition* that all work shall substantial conform to drawings filed with this application marked "Received September 23, 2016"-Seven (7) sheets"; and *on further condition*:

THAT this special permit shall be for a term of fifteen (15) years, expiring October 14, 2031;

THAT the menu board shall be operated on a sound limiter at all times such that a maximum 30 dBA is perceived at the property line;

THAT fencing and acoustical barriers shall be maintained at all times around the menu board area and at the property line as indicated on the BSA-approved plans;

THAT dense shrubs shown on the BSA-approved plans shall be maintained;

THAT plantings shown on the BSA-approved plans shall be replaced as needed to retain a visual and audio barrier with adjacent property;

THAT a "No Loud Radio" sign shall be installed at the drive-through window to minimize nuisance;

THAT all signage shall comply with C2-1 zoning district regulations and be limited to that indicated on the BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with ZR § 73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT Department of Buildings must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 14, 2016.

276-15-BZ
CEQR #16-BSA-060K

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 399 Knickerbocker LLC, owner; Blink Knickerbocker Avenue, Inc., lessee.

SUBJECT – Application December 24, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a portion of an existing commercial building. C4-3 zoning district.

PREMISES AFFECTED – 399 Knickerbocker Avenue, Block 3269, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #4BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 7, 2015, acting on Department of Buildings ("DOB") Application No. 321151052, reads in pertinent part:

> Proposed physical culture establishment is not permitted as-of-right in a C4-3 zoning district per ZR Section 32-10 and therefore requires a ZR Section 73-36 special permit from the Board of Standards and Appeals; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located within a C4-3 zoning district, the operation of a physical culture establishment (PCE) in a three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 20, 2016, after due notice by publication in *The City Record*, and then to decision on October 14, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of the intersection of Knickerbocker Avenue and Himrod Street, in a C4-3 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 125 feet of frontage along Knickerbocker Avenue, 100 feet of frontage along Himrod Street, 12,500 sq. ft. of lot area, and is occupied by a three-story commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

> (1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
>
> (2) that such *use* contains:
>
> (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
>
> (ii) a swimming pool of a minimum 1,500 square feet; or
>
> (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
>
> (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.
>
> Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

> (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and

all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the proposed PCE will occupy a total of 17,917 sq. ft. of floor area as follows: 846 sq. ft. on the first floor consisting of an entry lobby accessible from Knickerbocker Avenue with a dedicated elevator and stair providing access to the upper floors; 4,571 sq. ft. of floor area on the second floor consisting of a reception area, an office and cardiovascular exercise equipment; and 12,500 sq. ft. of floor are on the third floor, which will include additional cardiovascular exercise equipment, men's and women's locker rooms and a stretching area; and

WHEREAS, the PCE will be operated at Blink Fitness with proposed hours of operation of Monday through Saturday, 5:30 a.m. to 11:00 p.m. and Sunday 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant represents that the PCE is located in a commercial building and adjacent to other commercial uses and, thus, its use is consistent with the character of the surrounding area, but it will nevertheless include sound attenuation measures, including demising walls and rubber flooring, designed to ensure that the sound level in other portions of the building do not exceed 45 dBA; and

WHEREAS, the applicant further submits that a majority of its patrons will be residents of the nearby residential zoning district and employees of the surrounding commercial uses and will arrive to the facility by foot; and

WHEREAS, in light of the foregoing, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE contains facilities for physical improvement classes as well as equipment to improve patrons' cardiovascular health and fitness and aid in weight reduction; and

WHEREAS, the Board finds that the facilities provided at the proposed PCE are consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that the PCE will be fully sprinklered and that an approved interior fire alarm—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and a connection to an FDNY-approved central station—will be installed in the entire PCE space; and

WHEREAS, by letter dated August 4, 2016, the Fire Department states that it has no objection to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No.16-BSA-060K, dated December 24, 2015; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located within a C4-3 zoning district, the operation of a physical culture establishment in a three-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 18, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring October 14, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be providing leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT the PCE shall be fully sprinklered;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by October 14, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 14, 2016.

330-13-BZ
APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.
SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.
PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Off-Calendar.

152-14-BZ
APPLICANT – Sheldon Lobel, P.C., for Ashawagh Cottage, LLC., owner.
SUBJECT – Application June 26, 2014 – Variance (§72-21) to permit the construction of a new community facility building at the premises which would contain a for-profit school, the school at Fillmore Place for children ages two through six. R6B zoning district in a historic district.
PREMISES AFFECTED – 673 Driggs Avenue, Block 2382, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

216-15-BZ
APPLICANT – Eric Palatnik, P.C., for Gasteria Oil Corp., owner.
SUBJECT – Application September 2, 2015 – Special Permit (§73-211): to authorize the construction of an automotive service station and accessory convenience store on an irregularly shaped lot, located within an C2-4 zoning district.
PREMISES AFFECTED – 205 West Fordham Road, West 6 Frame Road bordering Sedgwick Avenue. Block 3236, Lot 0220. Borough of the Bronx.
COMMUNITY BOARD #7BX

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

REGULAR MEETING
FRIDAY AFTERNOON, OCTOBER 14, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

237-15-BZ
CEQR #16-BSA-041K
APPLICANT – Law Office of Fredrick A. Becker, for 80 North LLC, owner; MYNYC Partners LLCdba Modo Yoga, lessee.
SUBJECT – Application October 8, 2015 – Special Permit (§73-36) to permit the operation of a physical Culture Establishment (*Modo Yoga*). M1-2/R6A zoning district.
PREMISES AFFECTED – 109 Metropolitan Avenue aka 80 North 3rd Street, Block 2358, Lot 4, Borough of Brooklyn.
COMMUNITY BOARD #1BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and

Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated October 1, 2015, acting on Department of Buildings Application No. 320913954, reads in pertinent part:

> "The proposed physical culture or health establishment (PCE) on the first floor of the subject building is contrary to ZR 42-10 and requires a BSA special permit pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-2/R6A zoning district and the MX-8 Special Mixed Use District, the operation of a physical culture establishment (PCE) on a portion of the first floor of a two-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on October 14, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is an interior through lot with frontages on the north side of Metropolitan Avenue and the south side of North 3rd Street, between Wythe Avenue and Berry Street, in an M1-2/R6A zoning district and the MX-8 Special Mixed Use District, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along Metropolitan Avenue, 50 feet of frontage along North 3rd Street, 8,366 sq. ft. of lot area and is occupied by a two-story commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
(2) that such *use* contains:
  (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
  (ii) a swimming pool of a minimum 1,500 square feet; or
  (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
  (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 5,830 sq. ft. of floor area on the first floor; and

WHEREAS, the PCE has been in operation as Modo Yoga NYC, operated by MYNYC Partners LLC, since January 4, 2016; and

WHEREAS, the applicant represents that the facility consists of two yoga studios, locker rooms with showers, staff and practice areas, as well as space designated for laundry and the drying of yoga mats; and

WHEREAS, the facility operates Monday through Friday, 7:00 a.m. to 10:00 p.m. and Saturday through Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant represents that the PCE use is consistent with the mixed residential and commercial uses and character of the surrounding area, that the majority of its patrons are drawn from the immediate area and, therefore, walk to the premises or arrive by public transportation; and

WHEREAS, the applicant further states that the PCE is fully contained in an existing structure, generates very little noise and is not a nuisance to the other tenant of the subject building; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE provides facilities for classes, instruction and programs for physical improvement, specifically yoga; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that an approved fire alarm—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms and connection to an FDNY-approved central station—has been installed in the entire PCE space; and

WHEREAS, by letter dated October 6, 2016, the Fire Department confirmed that an approved fire alarm system has been legally installed at the premises, is operational and is awaiting final inspection and states that it has no objections to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA041K, dated October 8, 2015; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-2/R6A zoning district and the MX-8 Special Mixed Use District, the operation of a physical culture establishment on a portion of the first floor of a two-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 11, 2016"-Three (3) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring January 31, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by October 14, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 14, 2016.

2016-4124-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for CAB Bedford LLC, owner; Equinox Bedford Avenue, Inc., lessee.

SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. M1-2/R6B (MX-8) zoning district.

PREMISES AFFECTED – 238 Bedford Avenue (a/k/a 118 North 4th Street, 185 Berry Street), Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on August 2, 2016, under Calendar No. 64-15-BZ and printed in Volume 101, Bulletin Nos. 31-32, is hereby corrected to read as follows:

64-15-BZ
CEQR #15-BSA-181M
APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.
PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez……4
Negative:.....0
Absent: Commissioner Chanda.....1
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated February 26, 2015, acting on Department of Buildings Application No. 121192645, reads in pertinent part:

1. ZR 42-10 and ZR 72-20: Applicant proposes to convert existing manufacturing use to residential use in an M1-5 district, contrary to ZR 42-10. Requires a use variance from the Board of Standards and Appeals pursuant to ZR 72-20; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-5 zoning district, the conversion of a six-story manufacturing building into a six-unit residential building (Use Group 2), with two parking spaces, which does not comply with the applicable use regulations, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application February 2, 2016, after due notice by publication in the *City Record*, with continued hearings on April 5, 2016, May 17, 2016 and June 28, 2016, and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommended disapproval of the application; and

WHEREAS, the subject site is located on the northern side of Clarkson Street, between Greenwich Street and Hudson Street, within an M1-5 zoning district, in Manhattan; the site has approximately 50 feet of frontage along Clarkson Street, and a depth of approximately 100 feet, with a lot area of approximately 5,010 sq. ft.; and

WHEREAS, the site is occupied by a six-story manufacturing building which was constructed in 1919 (the "Building"); the Building covers the entirety of the subject lot, save an open area of 217 sq. ft. at the site's northeast corner, and contains 28,776 sq. ft. of floor area (5.74 FAR); the applicant states that the Building has floor plates of 4,796 sq. ft., divided by a grid of eleven (11) structural support columns which are spaced approximately 16'-0" apart; and

WHEREAS, the applicant notes that the Building contains 3,696 sq. ft. more floor area than the 25,080 sq. ft. (5.0 FAR) which would be permitted as-of-right for a new building on the site; and

WHEREAS, the applicant initially proposed to convert the Building for residential use as an eight-unit Use Group 2 residential building, and maintain the Building's existing FAR of 5.74; and

WHEREAS, in response to concerns articulated by the Board, the applicant modified the proposal, such that the applicant now proposes to convert the Building to a Use Group 2 residential building with 25,080 sq. ft. of floor area (5.0 FAR), a lot coverage of 70 percent, a 30'-0" rear yard, a maximum front wall height of 75'-0" with an initial setback distance of 20'-0", a maximum front wall height of 75'-0" and a maximum building height of 118'-10", with six dwelling units, two parking spaces and two street trees (the "Proposed Conversion"); and

WHEREAS, the applicant states that in order to effect the Proposed Conversion, and maintain an FAR of 5.0 as well as the 30'-0" rear yard necessary to provide quality light and air to the proposed residential units, it must (1) remove 8,158 sq. ft. of floor area from the rear of the Building, 6,571 sq. ft. of which will be reallocated above the Building's existing roof to create the Proposed Conversion's seventh through ninth stories; (2) remove additional floor area from the existing Building by creating double-height spaces on the first through fifth floors; and (3) deduct ground floor space used for a parking structure; and

WHEREAS, the applicant also proposes to remove the two loading berths and awning on the façade of the Building; and

WHEREAS, in order to convert the building to the proposed use, the applicant seeks a waiver of ZR § 42-10; and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the Building is obsolete in that it cannot be used for manufacturing uses, or other uses which are permitted as-of-right; and

WHEREAS, the applicant states that the Building is the only remaining factory in the subject zoning district, and also the only building in the subject zoning district on a lot of less than 30,000 sq. ft. that contains a use classified by the Zoning Resolution as a "manufacturing" use; the applicant also notes that the only other active manufacturing use within a 400' radius of the subject site is the FedEx Ship Center, which is listed as a trucking terminal (Use Group 17), does not contain any production factories, and is on a site which contains 33,317 sq. ft. of lot area; the applicant notes further

that the Fed Ex Ship Center was constructed in the year 2,000, has frontage on four streets and has floor plates which are approximately 6.6 times the size of the Building's floor plates; and

WHEREAS, the foregoing was supported by a uniqueness study, dated June 28, 2016 (the "Uniqueness Study"), which was reviewed by the Board; and

WHEREAS, the applicant also argues that, in addition to the relatively small size of the site and Building, both of which, the applicant maintains, render the Building obsolete for its manufacturing purpose, the following conditions impact its ability to earn a reasonable return from a manufacturing use within the Building: (1) as noted, the applicant states that the Building's floor plates are divided by a grid of eleven (11) large structural support columns spaced approximately 16'-0" apart, which, the applicant maintains, limits the operational efficiency of the floor area within the Building; (2) the Building's plumbing, electrical, and HVAC systems are outdated and in need of replacement in order to accommodate a new manufacturing use; and (3) the Building's single freight elevator is mechanically outdated and is located in the center of the Building, further reducing the efficiency of its floor plates for manufacturing uses and hindering production; (4) the floor-to-ceiling heights are 10'-5" on floors two through six, which is below industry standards and limits the type of equipment that can be utilized on those floors; (5) the loading docks on Clarkson Street are each 10'-0" wide and allow only for street loading, which is insufficient for a manufacturing use; and

WHEREAS, the applicant also notes that the history of the use of the Building demonstrates that it is obsolete for the manufacturing purpose for which it was constructed; specifically, the applicant states that the Building was historically used for match production and seed processing; the applicant states that the current occupant of the Building, a chocolate specialty company (the "Chocolate Factory"), began using the Building as a factory in 1998; and

WHEREAS, the applicant submitted letters from Jeff Alexander, co-owner of the Chocolate Factory, dated October 9, 2015 and December 17, 2015, in which Mr. Alexander avers that the Chocolate Factory has experienced significant production and growth limitations, which have necessitated increased costs, because of the structural and mechanical issues outlined above; and

WHEREAS, Mr. Alexander states that, because of the limitations of the Building, specifically its layout, size, location, and condition, the Chocolate Factory cannot operate in therein, and is relocating to a larger facility which will allow for a more efficient operation; Mr. Alexander also stated that when the Chocolate Factory marketed the Building for sale, no credible offers were received from potential buyers known by Mr. Alexander to be interested in renovating the Building for a manufacturing use; and

WHEREAS, the applicant notes that many of the same conditions which preclude its ability to earn a reasonable return from a manufacturing use within the Building also preclude its ability to earn a reasonable return from other conforming uses within the Building; specifically, the applicant states that the small floor plates of the Building are substantially smaller than floor plates within the subject zoning district, as well as the adjacent Special Hudson Square District; the applicant states that the Uniqueness Study reveals that within a 29-block area including the subject zoning district and the Special Hudson Square District, there are 143 sites which have a lot area of 15,000 sq. ft. or less, contain one or more buildings with floor plates of 10,000 sq. ft. or less, or contain primarily conforming commercial or manufacturing uses; the applicant states further that of those sites, only 15 sites, including the subject site, have all three of these characteristics, and that only one of those 15 sites, other than the subject site, is located in the subject M1-5 zoning district, and that such site has nine stories, has an FAR of 9.0 and has floor plates which are approximately 55% larger than the floor plates in the subject Building; and

WHEREAS, based upon the above, the Board finds that the obsolescence of the subject Building and inability to use the subject Building for a conforming use creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided the Board with an analysis of three development scenarios, a conforming conversion (the "Conforming Conversion"), which contemplates a conversion of the Building to an as-of-right commercial office use above a ground floor retail use; a minimum conforming conversion (the "Minimum Conforming Conversion"), which contemplates a conversion of the Building to an as-of-right commercial office use above a ground floor retail use, but only entails the minimum amount of work required by law to convert the Building from its existing manufacturing use to a new
as-or-right office use, and the Proposed Conversion; and

WHEREAS, the applicant's consultant prepared cost estimates for the Conforming Conversion, Minimum Conforming Conversion, and Proposed Conversion (copies of the consultant's cost estimate reports for each development scenarios were submitted to and reviewed by the Board); the applicant represents, as stated in the cost estimate reports, the hard construction costs of the Minimum Conforming Conversion would be $4,041,851, the hard construction costs of the Conforming Conversion would be $5,025,281, and the hard construction costs of the Proposed Conversion would be $13,463,928; based on the foregoing estimates, and a report prepared by the applicant's financial consultant (the "Financial Analysis") the applicant represents that absent the relief sought herein, it would not be possible to earn a reasonable return on investment on the subject site; and

WHEREAS, the Financial Analysis uses the capitalization of income method to determine the value of the Building under both the Conforming Conversion and the Minimum Conforming Conversion, using a 7% capitalization rate; and

WHEREAS, the Financial Analysis concludes that for the Conforming Conversion, the net operating income would be $1,062,000, for a capitalized value of $15,171,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $21,943,000, such that Conforming Conversion would result in

a loss of $6,772,000; and

WHEREAS, the Financial Analysis concludes that for the Minimum Conforming Conversion, the net operating income would be $874,000, for a capitalized value of $12,486,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $20,551,000, such that Minimum Conforming Conversion would result in a loss of $8,065,000; and

WHEREAS, the Financial Analysis concludes that the Proposed Conversion has a capitalized net value of $40,679,000, and the total development costs, including estimated property value, hard construction costs and soft costs, are estimated to be $32,275,000, such that Proposed Conversion would result in an annualized return on total investment of 7.68 percent; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the Proposed Conversion will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant submitted a land use map showing that there are many residential uses within the vicinity of the Building, including the buildings immediately adjacent to the subject site, which, the applicant states, were converted to residential use; the applicant states that there are currently 193 dwelling units on the same tax block as the Building, as well as numerous residential and mixed-use buildings (which include residential uses) one block north of the subject site; and

WHEREAS, the applicant also states that the commercial uses on the subject block, and adjacent blocks, are predominately offices uses that will not be adversely affected by the Proposed Conversion; and

WHEREAS, the applicant also argues that the reconfiguration of the Building, specifically the reallocation of floor area to create three new stories above the Building's existing roof, will not alter the character of the neighborhood; the applicant notes that such floor area will be set back 20'-0" from the street line of Clarkson Street, and will be within the sky exposure plane applicable to permitted buildings in the subject zoning district; and

WHEREAS, the applicant notes that the uses of the proposed development will be consistent with, and will enhance those of the surrounding neighborhood in that the ground floor retail use will be similar to that of most building along Avenue of the Americas and the surrounding area and that the upper-floor residential use of the proposed buildings will be consistent with the neighborhood's trend toward new residential development; and

WHEREAS, the applicant also states that the 5.0 FAR of the Proposed Conversion, which is the maximum FAR permitted in the M1-5 zoning district, as well as the height of the proposed nine-story building, is consistent with the surrounding neighborhood; and

WHEREAS, the applicant provided a study of building heights in the neighborhood surrounding the site, which the Board reviewed; the applicant notes that there are several buildings of nine stories or more within a 400'-0" radius of the subject site, and that buildings of nine and ten stories are predominant in the area between Greenwich Street and Hudson Street; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the obsolescence of the Building for a manufacturing or other as-or-right use; and

WHEREAS, with respect to ZR § 72-21(e), the Board notes that the Proposed Conversion constitutes the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 15BSA181M, dated October 25, 2016 and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Landmarks Preservation Commission's Environmental Review of the proposal indicated that the site has no architectural significance and no archaeological significance;

WHEREAS, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials and determined that a Phase II Investigation is necessary; and

WHEREAS, the site is currently occupied by an active commercial use with nearly full lot coverage; and

WHEREAS, the Board notes that an "E" designation (E-391) for hazardous materials has been placed on the subject site; and

WHEREAS, the "E" designation requires an environmental review by the New York City Office of Environmental Remediation ("OER") which must be satisfied before DOB will issue building permits at the subject site; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site within an M1-5 zoning district, the conversion of a six-story manufacturing building into a six-unit residential building (Use Group 2), with two parking spaces, which does not comply with the applicable use regulations, contrary to ZR § 42-10;*on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "July 22, 2016"–Twenty-One (21) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: 25,080 sq. ft. of floor area (5.0 FAR), a lot coverage of 70 percent, a 30'-0" rear yard, a maximum front wall height of 75'-0" with an initial setback distance of 20'-0", a maximum front wall height of 75'-0" and a maximum building height of 118'-10", with six dwelling units, two parking spaces and two street trees;

THAT prior to DOB's issuance of a Certificate of Occupancy, OER must issue a Notice of No Objection or a Notice of Satisfaction;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

The resolution has been amended to correct the number of sheets in the Approved Plans which read: … "Twenty (20) sheets"…* **now reads: …"***Twenty-One (21) sheets"….* **Corrected in Bulletin Nos. 40-41, Vol. 101, dated October 21, 2016.**

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BULLETIN

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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
DECEMBER 6, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 6, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

144-03-BZ
APPLICANT – Akerman, LLP, for SKC Auburndale Property, LLC, owner.
SUBJECT – Application May 9, 2016 – Amendment of a previously approved Variance (§72-21) which permitted a bank (UG 6C) with two dwelling units (UG 2). The amendment seeks to change the use from bank (UG 6C) to general retail use (UG 6). R3-2/R3X zoning district.
PREMISES AFFECTED – 188-16 Northern Boulevard, Block 5512, Lot 38, Borough of Queens.
COMMUNITY BOARD #11Q

320-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for The Peterfield Condominium, owner; Crunch LLC, lessee.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a physical cultural establishment (Crunch) which expired on May 16, 2016. C6-2A zoning district.
PREMISES AFFECTED – 113 4th Avenue, Block 558, Lot 7502, Borough of Manhattan.
COMMUNITY BOARD #3M

72-06-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for VNO One Park LLC, owner; Equinox One Park Avenue, Inc., lessee.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment (Equinox) within an existing commercial building which expires on September 19, 2016. C5-3/C6-1 zoning district.
PREMISES AFFECTED – 1 Park Avenue, Block 888, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #5M

REGULAR MEETING
DECEMBER 6, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 6, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

172-15-BZ
APPLICANT – Eric Palatnik, P.C., for 146-45 22nd Avenue LLC, owner.
SUBJECT – Application July 31, 2015 – Variance (§72-21) to permit the development of a 1,796 square foot two-story with cellar two (2) family dwelling contrary to underlying bulk regulations. R3A zoning district.
PREMISES AFFECTED – 146-45 22nd Avenue, Block 4637, Lot 47, Borough of Queens.
COMMUNITY BOARD #7Q

2016-4209-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 4th Avenue Development II, LLC, owner; Blink Fitness, lessee.
SUBJECT – Application May 25, 2016 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Blink*) on a portions of the cellar, first and second floors of an existing building. C2-4 (R8A) (EC-1) zoning district.
PREMISES AFFECTED – 227 4th Avenue, Block 955, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #6BK

2016-4210-BZ
APPLICANT – Law Office of Steven Simicich, for James De Francesco, owner.
SUBJECT – Application May 26, 2016 – Variance (§72-21) to permit the construction of a single family detached home contrary to ZR §107-42 (Lot Area) and ZR §23-47 (Rear Yard) regulations. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 19 Robinson Avenue, Block 5315, Lot 62, Borough of Staten Island.
COMMUNITY BOARD #3SI

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, OCTOBER 18, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

608-70-BZ
APPLICANT – Walter T. Gorman, P.E., P.C., for Neptune Avenue Property LLC, owner; Dunkin Donuts Corporate Office, lessee.
SUBJECT – Application October 18, 2016 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved variance which permitted an eating and drinking establishment (UG 6) (*Dunkin' Donuts*) which expired on August 20, 2015; Waiver of the Rules. R6 (Special Ocean Parkway District) zoning district.
PREMISES AFFECTED – 351-361 Neptune Avenue, Block 7260, Lot 101, Borough of Brooklyn.
COMMUNITY BOARD #13BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy, pursuant to a special permit previously granted by the Board; and

WHEREAS, a public hearing was held on October 18, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northwest corner of the intersection of Neptune Avenue and Brighton 3rd Street, in an R6 zoning district and the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 98 feet of frontage along Neptune Avenue, 85 feet of frontage along Brighton 3rd Street, 10,265 sq. ft. of lot area and is occupied by one-story Use Group 6 eating and drinking establishment; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 15, 1949 when, under BSA Cal. No. 632-49-BZ, the Board granted a variance to permit the alteration of an existing garage on the premises to a gasoline service station; and

WHEREAS, on December 27, 1950 and January 8, 1952, under BSA Cal. No. 632-49-BZ, the Board granted extensions of time to obtain permits and complete construction in connection with the previously approved variance, the latter of which expired on April 8, 1952; and

WHEREAS, on December 15, 1970, under the subject calendar number, the Board granted an amendment to the previously approved variance, pursuant to ZR § 11-412, permitting the reconstruction of an existing garage and gasoline service station on the premises and the use of the site as an automotive service station with accessory parking and uses; and

WHEREAS, on February 8, 1972, under the subject calendar number, the Board granted an extension of time to complete work, expiring December 15, 1972; and

WHEREAS, on May 7, 2002, under the subject calendar number, the Board amended the resolution to permit the conversion of three service bays to an accessory convenience store and the construction of a canopy over the existing islands on condition, *inter alia*, that a Certificate of Occupancy be obtained by May 7, 2003; and

WHEREAS, on August 20, 2013, under the subject calendar number, the Board permitted a change of use at the site from Use Group 16 to a Use Group 6 eating and drinking establishment on condition, *inter alia*, that a Certificate of Occupancy be obtained by August 20, 2015; and

WHEREAS, a new Certificate of Occupancy for the site having not yet been obtained, the applicant seeks an extension of an additional two years to do so; and

WHEREAS, the applicant also seeks a waiver pursuant to Board Rules of Practice and Procedure § 1-07.3(d)(2) to permit the filing of this application more than thirty (30) days after the expiration of the time to obtain a Certificate of Occupancy; and

WHEREAS, the applicant represents that construction at the site in accordance with the previously permitted conversion of use has been completed and that a Certificate of Occupancy can be obtained within the two-year extension period requested; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 15, 1970, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Certificate of Occupancy to August 20, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received September 14, 2016- Eight (8) sheets; and *on further condition*:

THAT a Certificate of Occupancy for the premises shall be obtained by August 20, 2017;

THAT plantings indicated on Board-approved plans shall be maintained and replaced as needed;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 18, 2016.

592-71-BZ

APPLICANT – Rampulla Associates Architects, LLP, for FDS Realty, LLC, owner.

SUBJECT – Application June 2, 2016 – Extension of Term of the previously approved Variance (§ 72-21) which permitted the operation of a Professional Office (Use Group 6) Building in an R3-2/R-2 Zoning District which will expire on February 15, 2017; Waiver of the Rules. R3-2 & R2 zoning district.

PREMISES AFFECTED – 1010 Forest Avenue, Block 316, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a variance, previously granted by the Board, which will expire on February 15, 2017; and

WHEREAS, a public hearing was held on this application on October 18, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application; and

WHEREAS, Staten Island Borough President James S. Oddo recommends approval of this application, provided that the extension is for a ten (10) year term; and

WHEREAS, the site is located on the southeast corner of Forest Avenue and Raymond Place, partially within an R3-2 zoning district and partially within an R2 zoning district, on Staten Island; and

WHEREAS, the site is a corner lot with 100 feet of frontage on Forest Avenue and 150 feet of frontage on Raymond Place, total lot area of 15,000 square feet and is occupied by a two-story commercial office building (Use Group 6B) with an accessory parking lot; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 29, 1972, when, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the conversion of an existing one-story mixed use building to professional offices for a term of five (5) years, expiring February 29, 1977; and

WHEREAS, on February 15, 1977, under the subject calendar number, the Board granted an extension of term of the variance for an additional five (5) year term, expiring February 15, 1982; and

WHEREAS, on June 22, 1982, under the subject calendar number, the Board granted an extension of term of the variance for an additional five (5) year term, expiring February 15, 1987; and

WHEREAS, on July 8, 1987, under the subject calendar number, the Board granted an extension of term of the variance for an additional ten (10) year term, expiring February 15, 1997; and

WHEREAS, on October 31, 1995, under the subject calendar number, the Board reopened the variance to permit a one-story enlargement of the existing building; and

WHEREAS, on November 18, 1997, under the subject calendar number, the Board reopened the variance to extend the term of the variance for ten (10) years, expiring February 15, 2007, and to permit a two-story extension with a new handicap ramp and concourse platform at the subject premises; and

WHEREAS, on June 5, 2007, under the subject calendar number, the Board reopened the variance to extend the term of the variance for ten (10) years, expiring February 15, 2017; and

WHEREAS, the applicant now seeks a twenty (20) year extension of term; and

WHEREAS, the applicant requests the longer term based on the history of development at the site, the site's history at the Board—where the term has been extended for terms of five (5) to ten (10) years on 6 consecutive occasions—and the owner's consistent maintenance of the subject property and compliance with the conditions of all prior grants; and

WHEREAS, in addition, the Board considered the appropriate limitation on signage at the premises, currently approved at a C1 zoning district equivalent wherein a maximum of 150 sq. ft. of signage per street frontage is permitted; and

WHEREAS, upon consideration, the Board found that a reduction from 150 sq. ft. of signage per street frontage to 75 sq. ft. of signage per street frontage was appropriate for the site and its surrounding residential districts; and

WHEREAS, the Board finds that a twenty (20) year extension of the term of the variance and a limitation to the signage permitted at the premises to 75 sq. ft. per frontage is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 29, 1972, as amended through June 5, 2007, so that as amended this portion of the resolution reads: "to grant a twenty (20) year extension of term from the expiration of the prior grant to expire on February 15, 2037; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT this grant shall expire on February 15, 2037;

THAT signage at the premises shall be limited to 75 sq. ft. per street frontage;

THAT the above condition shall be set forth in the certificate of occupancy;

THAT the above conditions and all relevant conditions from prior resolutions shall appear on the certificate of

occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 18, 2016.

240-55-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for DLC Properties LLC, owner.

SUBJECT – Application December 24, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive repair facility (UG 16B) which is set to expired on November 3, 2018; Amendment (§11-413) to permit a change in use from automotive repair facility (UG 16B) to automotive sales (UG 9A); Extension of Time to Obtain a Certificate of Occupancy which expired on April 1, 2015; Waiver of the Rules to permit the filing for an Extension of Term in excess of 1 year prior to the expiration and for filing in excess of 30 day but less than 1 year of the expiration of the time to obtain a Certificate of Occupancy. C2-2/R6B & R4 zoning district.

PREMISES AFFECTED – 207-22 Northern Boulevard, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for continued hearing.

202-62-BZ

APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.

SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.

PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for adjourned hearing.

716-82-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP for Cigarette Realty Co., LLC, owner.

SUBJECT – Application November 9, 2015 – Extension of term of variance (72-21) which permitted retail stores, offices and accessory parking at the rear of the building which expired on June 13, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on June 13, 2003; Waiver of the Rules. C2-2/R6 & R4 zoning district.

PREMISES AFFECTED – 209-30 Northern Boulevard, Block 7309, Lot 15, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

120-93-BZ

APPLICANT – Sheldon Lobel, P.C., for Harry McNulty, owner.

SUBJECT – Application March 14, 2016 – Extension of Term (§11-411) of a previously approved variance which permitted an Automotive Repair Facility (UG 16B) with the sale of used automobiles which expired on May 10, 2014; Waiver of the Rules. C1-3/R3-2 zoning district.

PREMISES AFFECTED – 222-19 Linden Boulevard, Block 11323, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

26-94-BZ

APPLICANT – Eric Palatnik, P.C., for CDC Realty, owner.

SUBJECT – Application December 4, 2015 – Extension of Term of a Special Permit (§73-242) for a (UG6) eating and drinking establishment (*The Mansion Grand*) which expires on March 5, 2016; Amendment. C3A (SSRD) zoning district.

PREMISES AFFECTED – 141 Mansion Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

182-02-BZ

APPLICANT – Eric Palatnik, P.C., for Gaseteria Oil Corporation, owner.

SUBJECT – Application July 22, 2014 – Extension of Term of a previously approved (§72-21) permitting the operation of an Automotive Service Station (UG 16B) with an accessory convenience store which expired January 7, 2013; Waiver of the Rules. C2-2/R3-1 zoning district.

PREMISES AFFECTED – 2990 Victory Boulevard, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

ZONING CALENDAR

247-15-BZ

CEQR #16-BSA-044K

APPLICANT – Law Office of Fredrick A. Becker, for Dom Ben Realty Corp., owner; IMAX Fit LLC, lessee.

SUBJECT – Application October 19, 2016– Special Permit (73-36) to allow the operation of a physical culture establishment (*IMAX Fit*) on portion of the ground floor. MX-2 within Ml-4/R8A zoning district.

PREMISES AFFECTED – 135 Plymouth Street, Block 18, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated October 15, 2015, acting on Department of Buildings Application No. 320251801, reads in pertinent part:

> The proposed physical culture or health establishment (PCE) on the first floor of the subject building is contrary to ZR 42-10 and requires a BSA special permit pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-4/R8A zoning district, the operation of a physical culture establishment (PCE) in a seven-story mixed use commercial and residential building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on July 19, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 23, 2016, and then to decision on October 18, 2016; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site consists of an entire city block bound by Plymouth Street to the south, Pearl Street to the east, John Street to the north and Adams Street to the west, in an M1-4/R8A zoning district, in an MX-2 Special Mixed Use District, in the DUMBO Historic District, in Brooklyn; and

WHEREAS, the site has approximately 206 feet of frontage along Plymouth Street, 200 street of frontage along Pearl Street, 206 feet of frontage along John Street, 200 feet of frontage along Adams Street, 41,250 sq. ft. of lot area and is occupied by a seven (7) story mixed-use commercial and residential building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

> (1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
>
> (2) that such *use* contains:
>
> > (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
> >
> > (ii) a swimming pool of a minimum 1,500 square feet; or
> >
> > (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
> >
> > (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.
>
> Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

> (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
>
> (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or

restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 7,007 sq. ft. of floor area on a portion of the first floor of the building; and

WHEREAS, the PCE has been in operation as IMAX Fit LLC since May 5, 2016; and

WHEREAS, the applicant represents that the facility includes locker rooms and space for group cycling instruction; and

WHEREAS, the PCE's hours of operation are: Monday through Friday 6:00 a.m. to 9:00 p.m. and Saturday through Sunday 7:00 a.m. to 5:00 p.m.; and

WHEREAS, the applicant represents that an approved fire alarm—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and connection to an FDNY-approved central station—has been installed in the PCE space; and

WHEREAS, the applicant further represents that the entire PCE space is also fully sprinklered; and

WHEREAS, by letter dated July 13, 2016, the Fire Department states that it has no objection to the approval of this application, provided that the applicant provides proof of inspection and approval of both the sprinkler and fire alarm systems; and

WHEREAS, at hearing, a representative of the Fire Department confirmed that the sprinkler and fire alarm systems were inspected; the representative of the Fire Department noted that there were minor objections which must be cleared before the alarm system approval is issued, but advised that the Board that the objections would be resolved and that they should not preclude the issuance of the subject special permit; and

WHEREAS, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE provides facilities for classes, instruction and programs for physical improvement, specifically group cycling instruction; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") issued Certificate of Appropriateness No. # 18-5093, expiring April 22, 2022, for work at the premises associated with the subject PCE; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA044K, dated October 19, 2015; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-4/R8A zoning district, the operation of a physical culture establishment (PCE) in a seven-story mixed use commercial and residential building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 23, 2016"-Seventeen (17) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, expiring May 5, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 18, 2016.

100-15-BZ
CEQR #15-BSA-202M

APPLICANT – Eric Palatnik, PC, for 24 East 39 LLC, owner.

SUBJECT – Application May 5, 2015 – Variance (§72-21) to propose a change of use in the existing building on the premises from a use group 2 apartment hotel to a use group 5 transient hotel. R8B zoning district.
PREMISES AFFECTED – 24 East 39th Street, Block 0868, Lot 051, Borough of Manhattan.
COMMUNITY BOARD #6M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated May 4, 2015, acting on Department of Buildings Application Nos. 122272673, reads in pertinent part:

1. ZR 22-00 Request to permit a change in use in the existing building on the premises from a use group 2 apartment hotel to a use group 5 transient hotel which is not permitted in the R8B zoning district in which the premises is located and is contrary to ZR section 22-00; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site located within an R8B zoning district, the conversion of an existing Use Group 2 Apartment Hotel to a Use Group 5 Transient Hotel (the "Proposed Conversion"); and

WHEREAS, the Proposed Conversion does not comply with the zoning regulations for use contrary to ZR §§ 22-00; and

WHEREAS, a public hearing was held on this application on April 26, 2016, after due notice by publication in the *City Record*, with a continued hearing on August 16, 2016, and then to decision on October 18, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

WHEREAS, the Board notes that certain neighbors of the subject site appeared by counsel with the stated intention to oppose the subject application, but subsequently elected not to submit any opposition; and

WHEREAS, the subject site is located on the south side of East 39th Street, between Madison Avenue and Park Avenue; the site has approximately 49 feet of frontage along the south side of East 39th Street and contains approximately 4,839 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single building comprised of two townhouses; the subject six-story building contains approximately 24,781 sq. ft. of floor area (5.12 FAR) and has a maximum height of 76'-0"; and

WHEREAS, the subject building was used as a social club with overnight accommodations, primarily for Williams College alumni, from 1924 until 2010, when the building was sold to the applicant and converted to its current use as a Use Group 2 Apartment Hotel; and

WHEREAS, the applicant states that the basement and first floor of the subject building is and has been used as a restaurant with kitchen and storage space, which is a lawful non-conforming accessory use grand-parented as an accessory to the hotel use at the site; and

WHEREAS, the applicant states that the current Use Group 2 Apartment Hotel use is economically infeasible and states further that the history of development of the subject site renders a conforming use of the property similarly infeasible; thus, the applicant proposes to convert the subject building to a Use Group 5 Transient Hotel (the "Proposed Conversion"), which is not permitted in the subject zoning district; and

WHEREAS, in order to effect the Proposed Conversion, the applicant seeks a waiver of ZR § 22-00; and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the obsolescence of the subject building for its existing use as a Use Group 2 Apartment Hotel use, coupled with the history of the development of the site, constitutes a unique physical condition which creates an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the applicant states that notwithstanding its good faith attempt to use the subject building for the Use Group 2 Apartment Hotel use for which it was purchased, the owner of the property has operated at a loss due to the small size of the building and the operational limitations specific to an extended stay hotel; the applicant notes, *inter alia*, that the building's size and limited room inventory precludes its ability to generate a reasonable return, both via its current use and also upon converting the building to a permitted use; and

WHEREAS, the applicant states that the guest rooms within the subject building are characteristic of transient hotel uses, but are undersized for the Use Group 2 Apartment Hotel use to which they are currently put; specifically, the applicant notes that the rooms within the subject building contain between 190 sq. ft. and 250 sq. ft. of floor area, which, the applicant states, is smaller than the minimum size necessary to facilitate an extended stay hotel use; and

WHEREAS, the applicant states that the rooms within the subject building do not include amenities which are characteristic of modern extended-stay hotels; the applicant notes that modern extended-stay hotel rooms generally feature full kitchens and appliances (such as dishwashers and in-unit washer/dryers), and states that the rooms within the existing building do not have such features; the applicant states that of the 33 rooms within the existing building, 15 have a kitchenette and none of the rooms are equipped with dishwashers or washer/dryer units; the applicant argues that it cannot equip the rooms within the subject building with the minimum features necessary to accommodate its existing use; and

WHEREAS, in support of the foregoing, the applicant submitted a letter from the President of WH-New York, LLC, a subsidiary of Warner Hospitality (a casino and resort operations company with an extensive portfolio of sites), dated November 10, 2014 (the "Warner Hospitality Letter"); as stated in the Warner Hospitality Letter, WH-New York, LLC managed the existing Use Group 2 Apartment Hotel from

January 2014 through October 2014, and

WHEREAS, the Warner Hospitality Letter states that WH-New York, LLC, terminated its contract to manage the subject site after that time because of its poor financial performance and limited prospects for improved performance as an extended-stay facility; the Warner Hospitality Letter concludes that the limited room inventory and the small size of the rooms severely limits the potential for an extended stay hotel operation; at hearing, a representative of Warner Hospitality explained that the limited number of rooms in the subject building leads to vacancies because of the inability of an operator to sequence demand and existing reservations, thus, having so few rooms severely limits the ability of an operator of a Use Group 2 Apartment Hotel at the site from making a reasonable return on investment;; the Warner Hospitality Letter also states that the restrictions of the structure, including its small floor plates and room sizes, further prevent an owner or operator from earning a reasonable return on the property; and

WHEREAS, by letter dated June 5, 2016, Devin Someck, principal of Living New York, a real estate brokerage, reiterated the claims articulated by the applicant and stated in the Warner Hospitality Letter (the "Living New York Letter") specifically, (1) that the room sizes at the subject building range under 200 sq. ft. with small closets and therefore cannot accommodate a guest for an extended stay, (2) that the subject building is too small for an operator to offer full-size kitchens or appliances for extended stay guests, which, the applicant maintains, is standard for the industry, and (3) that the subject building can only accommodate 33 rooms, which is limited inventory that does not allow an operator to meet the demand of extended-stay guests; and

WHEREAS, the applicant maintains that combining rooms to increase room size and potential amenity space will reduce inventory (i.e., the number of rooms) thus, doing so would not increase the profitability of a Use Group 2 Apartment Hotel at the site; and

WHEREAS, based upon the foregoing, the Board finds that the subject building is obsolete for its existing Use Group 2 Apartment Hotel use and that in light of that obsolescence, the history of the development of the site constitutes a unique physical condition which creates an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant provided the Board with an analysis of the existing extended stay hotel use as well as three alternative development scenarios for the site, an as-of-right residential development (the "Residential Development"), an alternate as-of-right residential development with basement-level recreation space (the "Alternate Residential Development"), and an as-of-right extended stay a Use Group 2 Apartment Hotel, with extended floor plates (the "Extended Stay Hotel Development"); and

WHEREAS, with respect to the existing extended stay hotel use, the applicant states that the existing development cannot provide a reasonable return; specifically, the applicant states that using the capitalization of income method, the capitalized net operating income of the existing extended stay hotel use is $14,908,000, and the total development cost for the existing extended stay hotel use, including estimated property value, hard construction costs and soft costs, is estimated to be $19,602,000; thus, the applicant concludes, the existing extended stay hotel use contains $4,694,000 less value than its total development costs; and

WHEREAS, with respect to the Residential Development, the applicant cites to a report prepared by McQuilkin Associates, LLC, and states that the development would require $4,859,502 in preliminary construction costs; the applicant maintains that the condition of the existing building is not well-suited for residential conversion and the majority of the building would have to be replaced; the applicant notes that the 33-room hotel would yield 16 contemporary apartments; and

WHEREAS, with respect to the Residential Development Scenario, the applicant states that such development cannot provide a reasonable return; specifically, the applicant states that using the capitalization of income method, the capitalized net operating income of the Residential Development is $10,933,000, and the total development cost for the Residential Development, including estimated property value, hard construction costs and soft costs, is estimated to be $27,621,000; thus, the applicant concludes, the Residential Development contains $16,638,000 less value than its total development costs; and

WHEREAS, with respect to the Alternate Residential Development, the applicant cites to a report prepared by McQuilkin Associates, LLC, and states that the development would require $5,081,816 in preliminary construction costs; and

WHEREAS, with respect to the Alternate Residential Development, the applicant states that such development cannot provide a reasonable return; specifically, the applicant states that using the capitalization of income method, the capitalized value of the Alternate Residential Development is $11,567,000 and the total development cost for the Alternate Residential Development, including estimated property value, hard construction costs and soft costs, is estimated to be $27,921,000; thus, the applicant concludes, the Alternate Residential Development contains $16,354,000 less value than its total development costs; and

WHEREAS, with respect to the Extended Stay Hotel Development, the applicant cites to a report prepared by McQuilkin Associates, LLC, and states that the development would require $6,688,710 in preliminary construction costs; and

WHEREAS, with respect to the Extended Stay Hotel Development, the applicant states that such development cannot provide a reasonable return; specifically, the applicant states that using the capitalization of income method, the capitalized value of the Extended Stay Hotel Development is $12,338,000 and the total development cost for the Extended Stay Hotel Development, including estimated property value, hard construction costs and soft costs, is estimated to be $26,298,000; thus, the applicant concludes, the Extended Stay Hotel Development contains $13,960,000 less value than its total development costs; and

WHEREAS, with respect to the Proposed Conversion, the applicant cites to a report prepared by McQuilkin Associates, LLC, and states that such conversion would require $170,904 in preliminary construction costs; and

WHEREAS, with respect to the Proposed Conversion, the applicant states that it will provide a reasonable return; specifically, the applicant states that using the capitalization of income method, the capitalized value of the Proposed Conversion is $20,088,000 and the total development cost for the Proposed Conversion, including estimated property value, hard construction costs and soft costs, is estimated to be $20,268,000; thus, the applicant concludes, the Proposed Conversion contains $180,000 less value than its total development cost, and the slight negative result is feasible in comparison to the alternatives; and

WHEREAS, the foregoing financial analyses were supported by a Financial Report dated April 1, 2015, and updated in response to concerns articulated by the Board by letters dated November 23, 2015, June 22, 2016, and September 21, 2016; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions there is no reasonable possibility of development of the site in strict compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant notes that the exterior of the building will not change in order to accommodate the Proposed Conversion; and

WHEREAS, the applicant also notes that there will not be any operational changes necessary to accommodate the transient use associated with the Proposed Conversion, nor, the applicant states, will there be an increase in employees, traffic, additional waste or frequency of deliveries; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the history of the development of the site; and

WHEREAS, the Board finds that the subject proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); and

WHEREAS, in response to concerns articulated by the Board at hearing, the applicant explored a number of options to provide an Accessible entrance to the subject building; the applicant notes that the existing ramp does not comply with certain requirements of the 2014 Construction Codes, thus, at the direction of the Board, the applicant has added a note to the BSA-approved plans stating that the ramp is subject to DOB's approval but that the Board does not object to the applicant retaining it upon such approval; the applicant has also advised the Board that because a compliant ramp is impracticable, if DOB does not approve the existing ramp the applicant will provide a new wheelchair lift at the entrance to the building, as shown in the BSA-approved plans; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15BSA202M, dated May 2, 2015; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 to permit, on a site located within an R8B zoning district, the conversion of an existing Use Group 2 Apartment Hotel to a Use Group 5 Transient Hotel, contrary to ZR §§ 22-00; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 20, 2016"– Sixteen (16) sheets; and *on further condition*:

THAT the following will be the parameters of the proposed building: a six-story building containing 24,781 sq. ft. of floor area (5.12 FAR) with a maximum height of 76'-0", containing 33 Use Group 5 Transient Hotel use rooms, all as reflected on the BSA-approved plans;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related

to the relief granted.

Adopted by the Board of Standards and Appeals, October 18, 2016.

REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 18, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

217-15-BZ
CEQR #16-BSA-028Q
APPLICANT – Sheldon Lobel, P.C., for Forest Hill Fitness, LLC, owner.
SUBJECT – Application September 10, 2015 – Special Permit (§73-36) to permit the operation a PCE gym (*Retro Fitness*) on the first floor of the existing 2-story commercial retail shopping center, located within an M1-1 zoning district.
PREMISES AFFECTED – 89-89 Union Turnpike, Block 3886, Lot 380, Borough of Queens.
COMMUNITY BOARD #4Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 28, 2015, acting on Department of Buildings Application No. 421208669, reads in pertinent part:

> Proposed Physical Culture Establishment use in the building within an M1-1 zoning district is contrary to Section ZR 42-10 and requires a special permit from the BSA per ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story commercial retail shopping center, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on October 18, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the subject site and neighborhood; and

WHEREAS, the subject site has approximately 600 feet of frontage along the north side of Union Turnpike, between Woodhaven Boulevard and 71st Avenue, in an M1-1 zoning district, in Queens; the site contains approximately 190,000 sq. ft. of lot area and is occupied by a two-story commercial retail shopping center; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

> (1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
> (2) that such *use* contains:
> (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
> (ii) a swimming pool of a minimum 1,500 square feet; or
> (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
> (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.
>
> Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

> (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
> (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant states that the subject PCE occupies 19,919 sq. ft. of floor area on the first floor of the subject building; and

WHEREAS, the PCE shall operate as Retro Fitness; and

WHEREAS, the applicant represents that the facility will include cardiovascular equipment, including treadmills, elliptical machines, and stationary bikes, as well as circuit training areas, free weight areas, and stretching mats; the applicant also represents that the facility will contain a fitness room, as well as a theater room with cardiovascular equipment and a projector screen; and

WHEREAS, the applicant states that the proposed PCE is fully ADA accessible and shall comply with; and

WHEREAS, the PCE's hours of operation shall be seven days a week, from 4:00 a.m. to 12:00 a.m.; and

WHEREAS, as noted on the BSA-approved plans, the applicant represents that proposed PCE shall contain an approved interior fire alarm system which shall include (1) area smoke detectors, (2) manual pull stations at each required exit, (3) local audible and visual alarms, and (4) connection of the interior fire alarm to an FDNY approved central station; also as noted on the BSA-approved plans, the applicant represents that the proposed PCE shall be fully sprinklered; and

WHEREAS, by letter dated October 17, 2016, the Fire Department states that it has no objection to the approval of this application; and

WHEREAS, the applicant states that the proposed PCE will be located within an existing two-story shopping center in an area that is characterized by commercial uses; and

WHEREAS, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE provides facilities for one-on-one personal training, physical improvement, body building, weight reduction, instructional group exercise, and aerobic exercise; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA028Q, dated September 10, 2015; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an M1-1 zoning district, the operation of a physical culture establishment (PCE) in a two-story commercial retail shopping center, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 19, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, expiring October 18, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,

October 18, 2016.

259-14-BZ
APPLICANT – Fried, Frank, Harris, Shriver & Jacobson LLP, for The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, owner.
SUBJECT – Application October 17, 2014 – Variance (§72-21) to permit the proposed structure in rear yard of the interior lot portion of the site contrary to (ZR 33-23 and ZR 33-26) of the zoning resolution. C5-5 (SLMD) zoning district.
PREMISES AFFECTED – 68-74 Trinity Place aka 103-109 Greenwich Street, Block 51, Lot 7, Borough of Manhattan.
COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

171-15-BZ
APPLICANT – Juan D. Reyes, III, Shefarth Shaw LLP, for 281 Broadway LLC, owner; James and Jennifer McDate (CrossFit), lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*CrossFit*) to be operated within an existing building. C6-4A zoning district.
PREMISES AFFECTED – 281 Broadway, between Reade Street and Chambers Street, Block 149, Lot 7502, Borough of Manhattan.
COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to January 10, 2017, at 10 A.M., for continued hearing.

2016-4166-BZ
APPLICANT – Eric Palatnik, P.C., for 2577 East 17th Street, LLC, owner.
SUBJECT – Application April 6, 2016 – Special Permit (§73-44) to reduce the required number of accessory parking spaces contrary to §36-21 for ambulatory diagnostic or treatment facility use and Use Group 6 uses with Parking Requirement Category B1. C8-1 zoning district.
PREMISES AFFECTED – 2579 East 17th Street, Block 7438, Lot 46, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on August 2, 2016, under Calendar No. 158-14-BZ and printed in Volume 101, Bulletin Nos. 31-32, is hereby corrected to read as follows:

158-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for David Tepler, owner.

SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.

PREMISES AFFECTED – 1179 East 27th Street, Block 7627, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated June 25, 2014, acting on DOB Application No. 320917308, reads in pertinent part:

1. Proposed floor area ratio is more than .50, contrary to ZR 23-141(a)
2. Proposed open space ratio is less than 150.0, contrary to ZR 23-141(a)
3. Proposed side yards are less than required and contrary to ZR 23-461(a)
4. Proposed rear yard is less than 30 feet in depth, contrary to ZR 23-47; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(a), setting forth the required open space ratio and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141; thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space ratio, and side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47, et seq.; and

WHEREAS, a public hearing was held on this application on April 12, 2016, after due notice by publication in *The City Record*, with continued hearings on May 24, 2016, and June 21, 2016, and then to decision on August 2, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommended approval of this application; and

WHEREAS, the subject site is located on the east side of East 27th Street, between Avenue K and Avenue L, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 30 feet of frontage along East 27th Street, a depth of 100 feet, and 3,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story single-family residence with approximately 1,736 sq. ft. of floor area (.58 FAR); and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single*- or *two family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of an existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
>
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
>
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
>
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single*- or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.
>
> The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development

of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, the Board notes that, as per ZR § 73-04, in order to minimize the adverse effects of the subject special permit upon other property and the community at large, the Board is authorized to prescribe conditions to the subject grant which shall be incorporated into the building permit and certificate of occupancy; the Board notes further that, as stated explicitly in that provision, "[f]ailure to comply with such conditions or restrictions shall constitute a violation of [the Zoning Resolution], and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies"; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area of the building from 1,736 sq. ft. (.58 FAR) to 2,999.67 sq. ft. (1.00 FAR) (as per ZR § 23-141, the maximum permitted FAR is .50); decrease the open space ratio from 1.19 OSR (2,061 sq. ft.) to .53 OSR (1,590 sq. ft.) (as per ZR § 23-141, the minimum required open space ratio is 1.50); maintain the existing side yards of 0'-11" and 8'-8" (per ZR § 23-461(a), side yards of 5'-0" and 8'-0" are required); and reduce the rear yard from a depth of 33'-5" to a depth of 20'-0" (per ZR § 23-47, a rear yard with a depth of 30'-0" is required); and

WHEREAS, with respect to the proposed 1.0 FAR, the applicant submits that within the area surrounding the subject site, there are nineteen (19) homes with floor area ratios ranging from 1.0 to 1.55, containing floor area from 2,052 sq. ft. to 6,696 sq. ft.; the applicant states that the twelve (12) of those homes are located on the subject block, and that ten (10) of those homes have a greater floor area ratio than the proposed enlargement; and

WHEREAS, with respect to the proposed side yards, the applicant notes that the proposed enlargement continues the existing non-complying side yards pursuant to the subject special permit, and does not result in a decrease in the minimum width of open area between the subject building and the side lot line; and

WHEREAS, with respect to the proposed rear yard, the applicant submits that the proposed 20'-0" rear yard fits within the character of the subject neighborhood; the applicant submitted a rear yard diagram to illustrate that on the subject block, fifteen (15) of the forty-two (42) homes on the block with rear yards (or 36 percent) have rear yards of less than the required 30'-0", ranging in depth from 14'-0" to 29'-0", and that of those fifteen (15) homes, eight (8) (or 53 percent), have rear yards that are equal to or lesser in depth than the proposed 20'-0" rear yard; and

WHEREAS, the applicant notes that the site directly behind the subject site has a 20'-0" rear yard, and that the sites adjacent and to the right and adjacent and to the left of the subject site have garages located in their rear yards, minimizing, the applicant states, the impact of the reduction in the depth of the subject rear yard; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R2 zoning district the proposed enlargement of a single-family detached residence that does not comply with the zoning requirements for floor area ratio, open space ratio, and side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47, et seq.; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received June 6, 2016"- Twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a total height of 35'-0", a maximum of 2,999.67 sq. ft. of floor area (1.0 FAR), a minimum open space ratio of 53 percent, side yards with minimum widths of 0'-11" and 8'-8", and a rear yard with a depth of 20'-0", all as illustrated on the BSA-approved plans;

THAT the garage shall be located a minimum of 3'-0" from the house at all points;

THAT the attic shall not be used for sleeping accommodations;

THAT exterior walls shown as existing on the BSA-approved plans shall not be demolished;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s), except as noted in this resolution, since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(a), setting forth the required open space ratio and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141; thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141 and waives and/or modifies that provision of the Zoning Resolution;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by August 2, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 2, 2016.

***The resolution has been amended. Corrected in Bulletin No. 42, Vol. 101, dated October 26, 2016.**

CORRECTION

This resolution adopted on February 24, 2015, under Calendar No. 177-14-BZ and printed in Volume 100, Bulletin Nos. 9-10, is hereby corrected to read as follows:

177-14-BZ
CEQR #15-BSA-035K
APPLICANT – Eric Palatnik, PC, for MADDD Properties LLC 34 Arden Lane, owner; CF Flatbush LLC, lessee.
SUBJECT – Application July 24, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Crunch Fitness*) within a portion of an altered building. C4-4A/R6A zoning district.
PREMISES AFFECTED – 1038 Flatbush Avenue, 180' south of intersection of Flatbush Avenue and Regent Place, Block 5125, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez....4
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated February 20, 2014, acting on DOB Application No. 321257830, reads, in pertinent part:

> ZR 32-10 Physical Cultural [SIC] establishment is not permitted as of right on C4-4A/R6A zoning district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-4A/R6A zoning district, the operation of a physical culture establishment ("PCE") on the cellar, first, second, and third floors of a three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in the *City Record*, with a continued hearing on February 3, 2015, and then to decision on February 24, 2015; and

WHEREAS, Vice Chair Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown performed site and neighborhood examinations of the premises and surrounding area; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site has approximately 80 feet of frontage on the west side of Flatbush Avenue, between Regent Place and Beverly Road, and consists of 7,290 sq. ft. of lot area; and

WHEREAS, the site is located within a C4-4A/R6A zoning district; and

WHEREAS, pursuant to ZR §77-11, the C4-4A zoning district regulations are applicable to the entire site; and

WHEREAS, the site is occupied by a three-story commercial building; and

WHEREAS, the proposed PCE shall occupy 2,299 sq. ft. of floor space at the cellar level, 4,518 sq. ft. of floor area at the

first floor, 5,849 sq. ft. of floor area at the second floor, and 5,068 sq. ft. of floor area at the third floor; and

WHEREAS, the PCE's hours of operation are Monday through Saturday, from 5:00 a.m. to 11:00 p.m., and on Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither: (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; nor (3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 15-BSA-035K, dated July 25, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-4A/R6A zoning district the entirety of which is subject to the C4-4A zoning district regulations, the operation of a PCE on the cellar, first, second, and third stories of a three-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "July 25, 2014"-(4) sheets; *on further condition*:

THAT the term of the PCE grant will expire on February 24, 2025;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT accessibility compliance will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 24, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 24, 2015.

***The resolution has been amended to correct the DOB Application No. which read:** *"…121662664..."* **now reads** *"…321257830…"* **Corrected in Bulletin No. 42, Vol. 101, dated October 26, 2016.**

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BULLETIN

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2016-4282-A
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2016-4288-A
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2016-4289-A
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2016-4290-A
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2016-4291-A
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2016-4292-A
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2016-4293-A
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2016-4294-BZ
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2016-4295-BZ
1074 East 24th Street, Block 07605, Lot(s) 76, Borough of **Brooklyn, Community Board: 14**. Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yard requirements (ZR 23-461 & ZR 23-48) and less than the minimum rear yard (ZR 23-47). R2 zoning district. R2 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
DECEMBER 13, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 13, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

104-15-BZ
APPLICANT – Rosenberg & Estis, P.C. by Frank E. Chaney, Esq., for 4452 Broadway Mazal LLC, owner.
SUBJECT – Application May 12, 2015 – Variance (§72-21) to permit the development of a mixed-use residential building with retail contrary to underlying bulk and use regulations. R7-2 zoning district with C2-4 overlay.
PREMISES AFFECTED – 4452 Broadway aka 44-90 Fairview Avenue, Block 2170, Lot(s) 62, 400, Borough of Manhattan.
COMMUNITY BOARD #12M

160-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 186 Montague Street, LLC, owner.
SUBJECT – Application July 16, 2015 – Special Permit (73-36) to permit the operation of a Physical Culture Establishment (*Orangetheory Fitness*). C5-2A zoning district.
PREMISES AFFECTED – 186 Montague Street, Block 250, Lot 34, Borough of Brooklyn.
COMMUNITY BOARD #2BK

2016-1212-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 932 Southern Boulevard Realty, LLC, owner; 932 Southern Boulevard, lessee.
SUBJECT – Application January 19, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Blink*) within an existing building. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 932 Southern Boulevard, Block 2735, Lot 14, Borough of Bronx.
COMMUNITY BOARD #2BX

2016-4125-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Columbia REIT – 315 Park Avenue South LLC, owner; Equinox, lessee.
SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. C6-4A zoning district.
PREMISES AFFECTED – 315 Park Avenue South, Block 00879, Lot 81, Borough of Manhattan.
COMMUNITY BOARD #5M

2016-4219-BZ
APPLICANT – Eric Palatnik, P.C., for Sergey Rybak, owner.
SUBJECT – Application June 17, 2016 – Special Permit (§73-622) to permit the enlargement of a single-family residence, contrary to floor area requirements (ZR §23-142). R3-1 zoning district.
PREMISES AFFECTED – 239 Beaumont Street, Block 8740, Lot 84, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4341-A thru 2016-4346-BZ
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – Various locations in Staten Island.
COMMUNITY BOARD #2 SI

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, NOVEMBER 1, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

327-88-BZ
APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application May 8, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (*Jade Asian Restaurant*) which expired on February 11, 2015; Waiver of the Rules. C4-3 zoning district.
PREMISES AFFECTED – 136-28 39th Avenue a/k/a 136-27-136-35 Roosevelt Avenue, Block 4980, Lot 14, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy, which expired on February 11, 2015; and

WHEREAS, a public hearing was held on April 26, 2016, after due notice by publication in *The City Record*, with continued hearings on June 14, 2016, August 16, 2016, and September 27, 2016, and then to decision on November 1, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is a through-block lot with frontages on the north side of Roosevelt Avenue and the south side of 39th Avenue, between Main Street and Lippmann Plaza, in a C4-3 zoning district, in Queens; and

WHEREAS, the site has approximately 97 feet of frontage along Roosevelt Avenue, 97 feet of frontage along 39th Avenue, 17,130 sq. ft. of lot area and is occupied by a three-story mixed use building; and

WHEREAS, the Board has exercised jurisdiction over the premises since October 22, 1991 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 to permit the enlargement of existing Use Group 6 uses on the site without the required number of off-street parking spaces and off-street loading berths on condition, *inter alia*, that substantial construction be completed by October 22, 1995; and

WHEREAS, on March 15, 1994, under the subject calendar number, the Board amended the variance to require that substantial construction be completed within 30 months from October 22, 1993; and

WHEREAS, on February 11, 2014, under the subject calendar number, the Board amended the variance to legalize a mezzanine constructed between the second and third floors of a building on the premises and a conversion of the use on the second floor from retail and offices to an eating and drinking establishment on condition, *inter alia*, that a Certificate of Occupancy be obtained by February 11, 2015; and

WHEREAS, the time to obtain a Certificate of Occupancy having expired, the applicant now seeks an extension of four (4) years; and

WHEREAS, the applicant additionally requests a waiver, pursuant to § 1-14.2 of the Board's Rules of Practice and Procedure, of Rule § 1-07.3(d)(2) to permit the filing of this application more than 30 days after the expiration of the time to obtain a Certificate of Occupancy; and

WHEREAS, the applicant represents that it has experienced a number of administrative delays in obtaining necessary permits, but anticipates obtaining a Certificate of Occupancy within the extension period requested; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated October 22, 1991, as amended through February 11, 2014, so that as amended this portion of the resolution reads: "to grant an extension of time to obtain a Certificate of Occupancy to February 11, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a Certificate of Occupancy for the premises shall be obtained by February 11, 2019;

THAT the mezzanine is not occupied until the required second stair is constructed and approved by DOB;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 1, 2016.

1129-64-BZ
APPLICANT – Davidoff Hutcher & Citron, LLP, for 147-36 Brookville Boulevard Corp., owner.
SUBJECT – Application January 11, 2016 – Extension of Term of a previously approved Variance (72-21) permitting the operation of an Auto Supplies Sales Establishment (UG 6) which expired on June 10, 2015; Amendment to legalize interior layout changes, permit general Use Group 6 Use and eliminate the term of the variance; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 147-36 Brookville Boulevard, Block 13729, Lot(s) 30, 33, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for adjourned hearing.

374-71-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 205-11 Northern Boulevard LLC, owner.
SUBJECT – Application May 7, 2014 – Extension of Term of a previously granted Variance (72-21) for the continued operation of an automobile showroom with open display of new and used cars (UG16) with accessory customer and employee parking in a previously unused vacant portion of the premises which expired on July 18, 2011. C2-2 (R3-2) zoning district.
PREMISES AFFECTED – 205-11 Northern Boulevard, Block 06269, Lot 20, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for adjourned hearing.

109-93-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Barone Properties, Inc., owner.
SUBJECT – Application December 24, 2015 – Extension of Term of a previously approved Variance (72-21) permitting an eating and drinking establishment (UG 6) which expired on May 24, 2014; Waiver of the Rules. R3-2 zoning district.
PREMISES AFFECTED – 189-11 Northern Boulevard, Block 5365, Lot 5, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for adjourned hearing.

65-94-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for KGH Realty Corp., owner.
SUBJECT – Application March 7, 2016 – Extension of Term of a previously approved Variance (§72-21) which permitted an enlargement contrary to side yard regulations and community facility (UG 4) on the ground and cellar floors and commercial offices (UG 6) in the garage which expired on March 5, 2016. R4B zoning district.
PREMISES AFFECTED – 144-02 Jewel Avenue, Block 6642, Lot 2, Borough of Queens.
COMMUNITY BOARD #8Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

201-97-BZ
APPLICANT – Eric Palatnik, P.C., for Monroe Queens-Rockaway, LLC, owner.
SUBJECT – Application August 6, 2015 – Amendment of a previously approved Variance (§72-21) which permitted the erection and use of a one-story building as a non-conforming Use Group 6 drug store with accessory parking. The Amendment seeks to eliminate the term of the variance since the use is now permitted in the district. C2-3/R3-2 zoning district.
PREMISES AFFECTED – 119-02 Rockaway Boulevard, corner of Rockaway Boulevard and Lefferts Boulevard, Block 11712, Lot 28, Borough of Queens.
COMMUNITY BOARD #10Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

4-98-BZ
APPLICANT – Eric Palatnik, P.C., for Madison Queens & Guy Brewer, LLC, owner.
SUBJECT – Application July 24, 2015 – Amendment of a previously approved variance (72-21) which permitted the operation of a drug store (UG 6) contrary to uses regulations. The amendment seeks to eliminate the term of the variance and reflect non-compliance with respect to bulk. C1-3/R3X zoning district.
PREMISES AFFECTED – 127-04 Guy Brewer Boulevard, corner of Guy Brewer Boulevard and Baisley Boulevard, Block 12269, Lot 29, Borough of Queens.
COMMUNITY BOARD #12Q
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for adjourned hearing.

180-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for TCAM Core Property Fund Operating LP, owner; Equinox 85th Street, Inc., lessee.
SUBJECT – Application February 4, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Equinox) which expires on February 28, 2016. C2-8A/R8B zoning district.
PREMISES AFFECTED – 1511 Third Avenue (a/k/a 201 East 85th Street) Block 1531, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for postponed hearing.

APPEALS CALENDAR

17-05-A
APPLICANT – Sheldon Lobel, P.C., for GRA V, LLC, owner.
SUBJECT – Application May 18, 2016 – Extension of Time to Complete Construction under the prior R6 zoning district. R4A zoning district.
PREMISES AFFECTED – 3329/3333 Giles Place, Block 3258, Lot 5, Borough of Bronx.
COMMUNITY BOARD #8BX
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction and obtain a Certificate of Occupancy, which expired on August 16, 2015; and

WHEREAS, a public hearing was held on September 13, 2016 after due notice by publication in *The City Record*, and then to decision on November 1, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of Giles Place, between Canon Place and Fort Independence Street, in an R4A zoning district, on Staten Island; and

WHEREAS, the site has approximately 125 feet of frontage along Giles Place and 19,722 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since August 16, 2011, when, under the subject calendar number, the Board granted an appeal and determined that the owner of the premises had acquired a common law vested right to continue the development of a six-story residential building subsequent to a rezoning of the premises from an R6 to an R4A zoning district for a term of four (4) years, expiring August 16, 2015; and

WHEREAS, shortly after the grant, organized opposition filed an action in New York State Supreme Court, Bronx County, pursuant to Article 78 of the New York Civil Practice Law and Rules, seeking annulment of the Board's determination that the owner's rights to develop the subject site had vested under the common law (the "Article 78 Petition"); and

WHEREAS, the Article 78 Petition was denied by the Supreme Court on July 25, 2013, and the Appellate Division, First Department, affirmed on March 3, 2015; and

WHEREAS, the applicant states that it has dedicated a total of three years and six months following the Board's 2011 decision to defending itself against the Article 78 Petition and all subsequent appeals, during which time no construction has been undertaken at the premises; and

WHEREAS, in addition, the applicant represents that construction did not immediately commence upon issuance of the Appellate Division's decision in March 2015 because of existing violations at the premises which the applicant had to cure to facilitate the reinstatement of expired building permits and issuance of new building permits, as required, for compliance with the Board's 2011 grant; and

WHEREAS, accordingly, the applicant presently seeks a four (4) year extension of time to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, the applicant argues that the filing of this application is premature because the delay in beginning construction was caused by litigation regarding the applicant's right to build at the subject site and, pursuant to ZR § 11-332(d), judicial proceedings affecting the validity of building permits toll the accrual time of a statutory vested right; and

WHEREAS, specifically, the applicant submits that, as suggested by ZR § 11-332(d), its common law vested right did not accrue until the First Department's decision on March 3, 2015, and, thus, the four (4) year term of its grant will not expire until March 3, 2019; and

WHEREAS, the Board finds that the tolling for vested rights accrual permitted by ZR § 11-332(d) is limited to cases in which a vested right has been recognized pursuant to ZR § 11-30 et seq., that is, by statute; and

WHEREAS, because the vested right in this case derives from the common law, ZR § 11-332(d) is inapplicable to the subject application; and

WHEREAS, the Board instead considers whether, in the time since the Board's 2011 grant, the applicant has retained a common law vested right at the subject premises or such right has lapsed; and

WHEREAS, Putnam Armonk, Inc. v. Town of Southeast, 52 A.D.2d 10 (2d Dept. 1976) holds that the following factors are relevant in determining whether a common law vested right has lapsed: (1) abandonment, including the intent to abandon and an overt act, or some failure to act, implying that the owner neither claims nor retains any interest in the subject matter of the abandonment; (2) recoupment by the owner of all or part of his financial expenditures on the property without completing construction; and (3) the extent to which considerations of public safety, health and welfare indicate that enforcement of present zoning regulations would provide an overriding benefit to the public; and

WHEREAS, the applicant states that it has neither an intent to abandon, nor performed an overt act, or failed to act in some way, to show abandonment of the property; to the contrary, since the Board's recognition of a common law vested right at the premises, the applicant submits that it has spent more than three years defending its rights to construct the subject proposal; and

WHEREAS, the applicant further represents that the owner of the site is the same entity that owned the site at the time of the Board's 2011 grant and that such owner has not recovered all or part of its expenditures in the absence of completing construction; and

WHEREAS, finally, the applicant submits that the

proposed development will not be detrimental to public safety, health and welfare because the subject proposal is consistent with the dense residential character of the surrounding neighborhood; and

WHEREAS, accordingly, the Board finds that the applicant's common law vested right to develop the subject proposal at the premises has not lapsed and that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 16, 2011, so that as amended this portion of the resolution reads: "to grant a four (4) year extension of time to complete construction and obtain a Certificate of Occupancy to November 1, 2020; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted; and *on further condition*:

THAT construction shall be completed and a Certificate of Occupancy shall be obtained within four (4) years, by November 1, 2020;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 1, 2016.

300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for an amendment to extend the time to complete construction and obtain a Certificate of Occupancy set forth in a prior Board grant, which expired on May 25, 2014; and

WHEREAS, a public hearing was held on this application on September 19, 2014, after due notice by publication in *The City Record*, with continued hearings on September 23, 2014, November 18, 2014, December 16, 2014, February 10, 2015, March 24, 2015, May 19, 2015, August 25, 2015, October 16, 2015, December 15, 2015, January 22, 2016 and March 22, 2016. On November 1, 2016 the case was reopened and closed for decision on that same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the east side of 27th Street, between 39th Avenue and 40th Avenue, in an M1-2/R5B zoning district, in the Special Long Island City Mixed Use District and Dutch Kills Subdistrict, in Queens; and

WHEREAS, the site has approximately 75 feet of frontage along 27th Street, 100 feet of depth and 7,514 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 25, 2010, when, under the subject calendar number, the Board granted an appeal and determined that the owner of the premises had acquired a common law vested right to continue development of a nine-story hotel building, for a term of four (4) years expiring May 25, 2014, subsequent to a rezoning of the site from an M1-3D zoning district to an M1-2/R5B zoning district; and

WHEREAS, at the time of the Board's grant, the site had approximately 50 feet of frontage along 27th Street, a depth of 100 feet, and a lot area of 5,010 sq. ft. and the proposed development had a total floor area of 24,713 sq. ft. (4.94 FAR) (the "Building"); and

WHEREAS, subsequent to the Board's grant, the site was merged with an adjacent tax lot, having approximately 25 feet of frontage along 27th Street and 100 feet depth, to its current size; and

WHEREAS, by letter dated September 17, 2014, the Department of Buildings ("DOB") states that, according to a post-approval amendment filed on December 5, 2013, the proposed addition to the Building on the enlarged portion of the site will comply with bulk regulations applicable in an M1-2/R5-B zoning district and, thus, the enlargement of the zoning lot does not create a non-compliance or increase the degree of non-compliance of the vested permit with applicable provisions of the Zoning Resolution; and

WHEREAS, the applicant represents that unforeseen delays and financial hardships have delayed construction of the Building; and

WHEREAS, specifically, construction has been delayed by DOB violations wrongfully issued and an E-designation improperly placed on the property and such delays led to a renegotiation of construction costs and necessitated additional financing sources; and

WHEREAS, accordingly, the applicant seeks an amendment extending the time to completed construction and obtain a Certificate of Occupancy an additional four (4) years; and

WHEREAS, the applicant submits that construction on the Building is substantially complete and the only work outstanding is with regards to enclosing the exterior, installing the plumbing and electrical systems and framing and interior work, all of which can be completed within the four (4) year

extension period requested; and

WHEREAS, at the Board's request, the applicant developed a site safety and management plan to ensure safe site management in light of several Stop Work Orders and ECB violations issued at the subject premises; and

WHEREAS, by correspondence dated December 10, 2015, DOB states that due to structural stability issues at the site, the site was deemed a site safety project requiring the submission of a site safety plan and maintenance of a site safety monitoring program to ensure compliance; and

WHEREAS, DOB's BEST Squad approved a site safety plan for the premises on January 4, 2016; and

WHEREAS, by correspondence dated November 1, 2016, DOB states that it has inspected the premises, has no objection to the continuation of phase one remedial work at the premises and that the BEST squad will perform periodic safety inspections of the site going forward; and

WHEREAS, the Board also received correspondence from neighbors of the subject site recommending denial of this application citing damage sustained on their property as a result of construction at the subject site; and

WHEREAS, the applicant has been responsive to these complaints and coordinated repair of the cited damage; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 25, 2010, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction and obtain a Certificate of Occupancy to November 1, 2020; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by November 1, 2020;

THAT a Certificate of Occupancy for the premises shall be obtained by November 1, 2020;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 1, 2016.

2016-1185-A

APPLICANT – Pryor Cashman LLP, for MBAR Realty, LLC and MBAR Realty #2LLC, owner.

SUBJECT – Application January 5, 2016 – Proposed construction of a four story with cellar Use Group 16 self-storage facility located within the bed of a mapped street, contrary to General City Law Section 35 and waiver of street wall and sky exposure plane under 72-01-(g). M1-1 zoning district.

PREMISES AFFECTED – 45-14 and 45-50 51st Street, Block 2283, Lot(s) 53, 54, Borough of Queens.

COMMUNITY BOARD #2Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner dated December 7, 2015, acting on DOB Application No. 421219942, reads in pertinent part:

> "Premises is located partially within the bed of a mapped street, which is contrary to General City Law 35 and the proposed development encroaches into the sky exposure plane contrary to ZR 43-43 . . . ."; and

WHEREAS, this is an application to permit the development of a three-story, plus cellar, Use Group 16 self-storage facility partially within the bed of a mapped street, contrary to General City Law ("GCL") § 35, and that encroaches into the sky exposure plane, contrary to ZR § 43-43; and

WHEREAS, a public hearing was held on this application on September 13, 2016, after due notice by publication in *The City Record*, and then to decision on November 1, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of 51st Street, between Queens Boulevard and 47th Avenue, in an M1-1 zoning district, in Queens; and

WHEREAS, the site has approximately 349 feet of frontage along 51st Street, 41,507 sq. ft. of lot area and is currently occupied by 2 two-story manufacturing buildings; and

WHEREAS, the site is traversed by a mapped but unbuilt portion of 51st Street; and

WHEREAS, by letter dated July 25, 2016, the New York City Department of Transportation ("DOT") confirms that 51st Street between Queens Boulevard and 47th Avenue is mapped to 50 feet and the City does not have title to the mapped but unbuilt portion of 51st Street at the subject location; and

WHEREAS, the applicant proposes to demolish the existing buildings and construct a three-story, plus cellar, commercial building with 34,320 sq. ft. of floor area; and

WHEREAS, the applicant represents that the proposal complies with all bulk regulations applicable in an M1-1 zoning district except regulations regarding wall height and the sky exposure plane, set forth in ZR § 43-43; and

WHEREAS, the applicant states that the proposed

building must be partially located within the bed of the mapped but unbuilt portion of 51st Street in order to make the building visible from Queens Boulevard and easily accessible therefrom; and

WHEREAS, the applicant initially proposed a four-story, plus cellar, building at the site and by letter dated May 11, 2016, the Fire Department stated that it recommended denial of that proposal because the building height and setbacks prevented proper FDNY rescue operations and the initially proposed 18 foot wide roadway could not comply with New York City Fire Code Section 503.2.27, which prohibits curbside street parking on a fire apparatus access road where such curbside street parking reduces the usable roadway width to less than 18 feet; and

WHEREAS, in response to the Fire Department's concerns, the applicant revised the proposal to its current version, reducing the height of the proposed building from 58 feet to 47 feet and set the building further back from the street to provide a 30-foot wide roadway; and

WHEREAS, in addition, the applicant contacted DOT to ensure that no curbside parking would be permitted at the subject location and, by letter dated September 20, 2016, DOT confirmed that No Parking Anytime regulations have existed at the subject location since 1963 and that an order has been prepared to replace the missing signs at the subject site; and

WHEREAS, the applicant further notes that all parking for the site can be accommodated within the parking area located adjacent to the proposed building, also on the subject site; and

WHEREAS, in light of these revisions, the Fire Department states that it no longer objects to the proposed application; and

WHEREAS, by letter dated October 19, 2016, the New York City Department of Environmental Protection ("DEP") states that there is a 12-inch diameter sanitary sewer and an 8-inch diameter City water main in the bed of 51st Street at the subject site, but that based on the applicant's proposed site plan showing a 30 foot wide DEP Easement which will be available for the installation maintenance and/or reconstruction of the future and existing sewers and water main, DEP has no objections to the proposed application; and

WHEREAS, the Board notes that, pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board additionally notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non-compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the Department of Buildings ("DOB"), dated December 7, 2015, acting on DOB Application No. 421219942, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawings filed with the application marked "Received October 12, 2016"–One (1) sheet; and *on further condition*:

THAT no parking shall be permitted in front of the site;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 1, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 1, 2016.

163-14-A thru 165-14-A
APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.
SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.
PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.
COMMUNITY BOARD #1M
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M. for decision, hearing closed.

238-15-A thru 243-15-A
APPLICANT – Jeffrey Geary, for Ed Sze, owner.
SUBJECT – Application October 8, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district.
PREMISES AFFECTED – 102-04, 08, 12, 16, 20, 24 Dunton Court, Block 14240, Lot(s) 1306, 1307, 1308, 1309, 1310, 1311, Borough of Queens.
COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

ZONING CALENDAR

93-15-BZ
CEQR #15-BSA-197Q
APPLICANT – Sheldon Lobel, P.C., for Shalom Stein, owner.
SUBJECT – Application April 27, 2015 – Variance (§72-21) to construct a new UG4 Synagogue at the premises to certain bulk and parking regulations and waiver of the floor area side yard , located within an R2X zoning district.
PREMISES AFFECTED – 1011 Reads Lane, between Cornaga Court and Mobile Road, Block 15553, Lot 28, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2015, acting on DOB Application No. 421075794 reads in pertinent part:

1. The proposed plans are contrary to ZR Section 24-11 in that the proposed floor area and FAR exceeds the maximum permitted;
2. The proposed plans are contrary to ZR Section 24-35 in that the proposed side yard is less than the minimum required;
3. The proposed plans are contrary to ZR Section 25-31 in that the proposed parking spaces are less than the minimum required; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site located in an R2X zoning district, the construction of a Use Group 4 hours of worship that does not comply with the floor area, FAR, side yard and parking requirements of ZR §§ 24-11, 25-35 and 25-31; and

WHEREAS, this application is filed on behalf of Congregation Zichron Moshe Dov (the "Congregation"), a non-profit religious organization; and

WHEREAS, a public hearing was held on this application on May 24, 2016, after due notice by publication in *The City Record*, with continued hearings on July 19, 2016, and September 13, 2016, and then to decision on November 1, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 14, Queens, recommends approval of this application on condition that no kitchen or cooking facility be permitted in the proposed building; and

WHEREAS, the subject site is located on the west side of Reads Lane, between Mobile Road and Cornaga Avenue, in an R2X zoning district, in Queens; and

WHEREAS, the site has approximately 58 feet of frontage along Reads Lane, 6,640 sq. ft. of lot area and is occupied by single-family residential building; and

WHEREAS, the Congregation proposes to demolish the existing building and construct a two-story, plus cellar, Use Group 4 synagogue with 7,239 sq. ft. of floor area, a floor area ratio ("FAR") of 1.09, side yards measuring 3'-0" and 7'-0" wide and one parking space; and

WHEREAS, the cellar level of the proposed synagogue will consist of 2,282 sq. ft. of floor space to be utilized as a multi-purpose room that can accommodate 190 people and the first and second floors will contain sanctuary spaces sufficient to accommodate 223 persons and 184 persons, respectively; and

WHEREAS, a maximum of 6,640 sq. ft. floor area and 1.0 FAR is permitted at the subject site pursuant to ZR § 24-11; two side yards each with a minimum width of 8'-0" are required pursuant to ZR § 24-35; and 42 parking spaces are required pursuant to ZR § 25-31; and

WHEREAS, because the proposed synagogue does not comply with the applicable bulk regulations for the use in the subject zoning district, the applicant seeks the requested variance; and

WHEREAS, the Congregation states that the waivers sought are essential to its ability to meet its programmatic needs, including the accommodation of its steadily growing membership, which currently numbers approximately 400 adults and children who all live within a three-quarter mile radius of the subject site; and

WHEREAS, the Congregation is currently housed in a temporary rented facility—the basement of a yeshiva—where it unable to conduct services during the day, must set up and take down its sanctuary space daily and is unable to provide necessary separate worship spaces for its male and female congregants; and

WHEREAS, the Congregation states that no public programs or social services will operate from the proposed building, that the proposed synagogue will not contain any residential units and that no rooms or spaces therein will be used for commercial purposes that would serve food or beverages; and

WHEREAS, the Congregation represents that although the site is ideally located, the lot does not have a large enough floor plate to provide sanctuary space sufficient for the members of the congregation and that the irregular shape of the lot creates practical difficulties or unnecessary hardship in strictly complying with the bulk provisions of the Zoning Resolution; and

WHEREAS, the lot is an irregular trapezoid that ranges in width from 28 feet to 58 feet, ranges in depth from 151 feet to 170 feet and, thus, an as-of-right building would have an irregular trapezoidal shape too narrow to meet the Congregation's programmatic needs, much less the 42 parking spaces required under the Zoning Resolution; and

WHEREAS, specifically, a synagogue constructed at the premises as-of-right would provide sanctuary spaces on the first and second floors that would accommodate a total of only 322 persons, insufficient for the Congregation's current membership, whereas the subject proposal provides worship space to accommodate a total of 407 persons; and

WHEREAS, the Board acknowledges that the Congregation, as a religious institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 NY2d 583 (1986), an educational or religious institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based on the above, the Board finds that the programmatic needs of the Congregation create unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, because the Congregation is a non-profit organization and the variance is needed to further its non-profit mission, the finding set forth in ZR § 72-21(b) does not have to be made in order the grant the variance requested in this application; and

WHEREAS, the Congregation represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, the Congregation submits that though the character of the subject block is primarily residential, there are several religious institutions in the surrounding area; and

WHEREAS, in addition, the Congregation represents that an acoustical fence with an STC rating of 28 will be installed along both side lots lines and shrubs of approximately 3 feet in width and a minimum height of 6 feet will be planted along the same in order to minimize the impact of the requested reduced side yards on adjacent property owners; and

WHEREAS, the Congregation further submits that the requested parking waiver will not materially increase the use of street parking in the surrounding area because the proposed synagogue is located in close proximity to all of its congregants, the majority of which reside within one-quarter mile of the site, and such congregants will access the synagogue by foot in accordance with religious law; and

WHEREAS, the Congregation also submitted a study of on-street parking spaces in the vicinity of the subject site during a weekday morning, weekday afternoon and Sunday morning and concluded that there is sufficient available on-street parking to meet the projected demand of the synagogue use; and

WHEREAS, the Board agrees with the Congregation that the proposal will not alter the essential character of the surrounding neighborhood, not impair the use or development of adjacent properties, and not be detrimental to the public welfare; and

WHEREAS, the Congregation states that, per ZR § 72-21(d), the hardship was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the Congregation; and

WHEREAS, the Congregation represents that, consistent with ZR § 72-21(e), the proposal represents the minimum variance needed to accommodate its programmatic needs; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to allow the synagogue to fulfill its programmatic needs; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment ("EAS") CEQR No. 15-BSA-197Q, dated August 15, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on

Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, by correspondence dated August 23, 2016, the New York City Department of City Planning states that the proposal will not substantially hinder the achievement of any Waterfront Revitalization Program ("WRP") policy; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21, and grants a variance to permit, on a site located in an R2X zoning district, the construction of a Use Group 4 hours of worship that does not comply with the floor area, FAR, side yard and parking requirements of ZR §§ 24-11, 25-35 and 25-31, *on condition* that all work will substantially conform to drawings filed with this application marked "Received October 14, 2016"-Fifteen (15) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: 7,239 sq. ft. of floor area (1.09 FAR), minimum side-yard depths of 3'-0" and 7'-0" and one parking space, as indicated on the BSA-approved plans;

THAT all building windows shall have a minimum STC rating of 32;

THAT landscaping at the site shall be maintained as show on BSA-approved plans;

THAT the building shall be fully sprinklered;

THAT the acoustical fencing shown on the BSA-approved plans shall be maintained;

THAT the synagogue shall engage a monitor to ensure that sidewalks are kept clear for pedestrian traffic caused by synagogue activities and prevent double parking in front of the building;

THAT the above conditions shall be listed on the Certificate of Occupancy;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portion related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 1, 2016.

131-15-BZ
CEQR #15-BSA-212M
APPLICANT – Eric Palatnik, for 650 Broadway Realty Inc., owner; Joshua Griffiths, lessee.
SUBJECT – Application June 1, 2015 – Special Permit (73-36) to allow the legalization of physical culture establishment (*Clockwork Jiu Jitsu*) on the second floor of a five-story plus cellar building. M1-5B zoning district.
PREMISES AFFECTED – 650 Broadway, Block 529, Lot 4, Borough of Manhattan.
COMMUNITY BOARD #2M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 8, 2016, acting on Department of Buildings Application No. 121191879, reads in pertinent part:

> "Proposed physical culture establishment in M1-5B zoning district is not permitted pursuant to ZR 42-10, and is referred to BSA for special permit under ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-5B zoning district, in the NoHo Historic District, the operation of a physical culture establishment (PCE) on the second floor of a five story plus cellar building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on August 16, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, the record was re-opened on November 1, 2016, to accept a revised objection from DOB, closed and voted again on the same date; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson performed an inspection of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the east side of Broadway, between Bleecker Street and Bond Street, in an M1-5B zoning district, in the NoHo Historic District, in Manhattan; and

WHEREAS, the site has approximately 29 feet of frontage along Broadway, a depth of 130 feet, 3,770 sq. ft.

of lot area, and is occupied by a five story plus cellar commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and

(2) that such *use* contains:

(i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or

(ii) a swimming pool of a minimum 1,500 square feet; or

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and Certificate of Occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 3,770 sq. ft. of floor area on the second floor of the existing building; and

WHEREAS, the PCE has been in operation as Clockwork Jiu Jitsu since March 1, 2012; and

WHEREAS, the PCE's hours of operation are: Monday through Thursday 7:00 a.m. to 9:00 p.m., Friday 7:00 a.m. to 8:30 p.m., and Saturday through Sunday 7:00 a.m. to 2:30 p.m.; and

WHEREAS, the applicant represents that the PCE use is consistent with the surrounding area, specifically, that that the other occupants of the subject building are commercial tenants; and

WHEREAS, the applicant submits that a 1.5"-thick grappling mat has been installed across the entire floor space in the PCE for purposes of shock absorption, impact protection, and sound attenuation, and that because the PCE does not involve the use of weights or other exercise equipment, no other sound attenuation measures are necessary; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, the applicant states that the PCE provides facilities for martial arts training, specifically Brazilian Jiu Jitsu, which has the effects of increasing practitioner's stamina and facilitating weight loss; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that the PCE is fully sprinklered and that an approved fire alarm—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and connection to an FDNY-approved central station—has been installed in the entire PCE space; and

WHEREAS, by letter dated August 15, 2016, the Fire Department states that it has no objections to the approval of

this application and confirms both that the sprinkler system installed in the PCE space has been approved and is functional and that an internal fire alarm system is being installed based on a permit issued on July 1, 2016; and

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") issued Certificate of No Effect No. 16-4073 dated October 22, 2014, expiring October 22, 2018, for interior alterations associated with the subject application; and

WHEREAS, the applicant has submitted the 2017 Illuminated Sign Permit (Annual Permit No. 15842) issued by DOB to the subject PCE for a sign with direct illumination measuring 30 sq. ft. and expiring June 30, 2017; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No.15-BSA-212M, dated June 1, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-5B zoning district, in the NoHo Historic District, the operation of a physical culture establishment on the second floor of a five story plus cellar building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 12, 2016" – Five (5) sheets; and

THAT the term of the PCE grant will expire on March 1, 2022;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one year, by November 1, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 1, 2016.

302-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Stanfordville, LLC, owner.

SUBJECT – Application November 10, 2014 – Special Permit (§73-125) to allow proposed ambulatory diagnostic or treatment health care facility in excess of 1500 sq. ft. in a two-story mixed use building. R3X zoning district.

PREMISES AFFECTED – 45-05 Francis Lewis Boulevard, southeast corner of intersection of Francis Lewis Boulevard and 45th Avenue. Block 5538, Lot 30. Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

331-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Nissim Gindi, owner.

SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family contrary to side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 (OP) zoning district.

PREMISES AFFECTED – 2171 Ocean Parkway, east side of Ocean Parkway between Avenue U and Avenue V, Block 7133, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

2016-1209-BZ
APPLICANT – Law Office of Jay Goldstein, for Yechezkel Reichman, owner.
SUBJECT – Application January 14, 2016 – Special Permit (§73-622) & Variance (§72-21) for the enlargement of an existing single family home. R2 zoning district.
PREMISES AFFECTED – 2701 Avenue K (1085 East 27th Street), Block 7609, Lot 9, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to November 15, 2016, at 10 A.M., for continued hearing.

2016-4151-BZ
APPLICANT – Eric Palatnik, P.C., for Joseph Goldzal, owner.
SUBJECT – Application March 25, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage(ZR 23-141). R3-2 zoning district.
PREMISES AFFECTED – 1814 East 28th Street, Block 6833, Lot 11, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 19, 2016, acting on DOB Application No. 321197940, reads in pertinent part:

1. The proposal will increase the proposed floor area ratio . . . . This will increase the degree of non-compliance. Under Zoning Resolution § 23-142, the maximum permitted floor area ratio is 0.50. Floor Area Ratio is Not Complying;
2. The proposal will create a non-compliance with respect to lot coverage. Under Zoning Resolution § 23-142, the maximum permitted lot coverage is 35%. . . . . Lot Coverage is Not Complying;
3. The proposal will create a non-compliance with respect to open space. Under Zoning Resolution § 23-142, the minimum required open space is 65%. . . . . Open Space is Not Complying;
4. The proposal will increase an existing 4 foot side yard approximately 13'-3" beyond the existing house. This will create a new non-compliance. Under Zoning Resolution § 23-461, a side yard with a width of not less than 5 feet shall be provided at the side lot line; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R3-2 zoning district, the proposed enlargement of an existing two-story, plus attic, single-family residence that does not comply with the zoning requirements for floor area ratio, lot coverage, open space and side yards, contrary to ZR §§ 23-142 and 23-461; and

WHEREAS, a public hearing was held on this application on September 27, 2016, after due notice by publication in *The City Record*, with a continued hearing on November 1, 2016 and then to decision on that date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of East 28th Street, between Avenue R and Avenue S, in an R3-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along East 28th Street, a depth of 100 feet, and 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, plus attic, single-family residence with approximately 2,630 sq. ft. of floor area, a floor area ratio ("FAR") of 0.66, 31 percent lot coverage, 69 percent open space and side yards measuring 4'-0" and 14'-0"; and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and
>
> (c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE of PERMIT) and paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of

any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area from 2,630 sq. ft. (0.66 FAR) to 3,832 sq. ft. (0.96 FAR), increase the lot coverage from 1,240 sq. ft. (31 percent) to 1,640 sq. ft. (41 percent), reduce the open space from 2,760 sq. ft. (69 percent) to 2,360 sq. ft. (59 percent), maintain an existing 4'-0" side yard and decrease a 16'-0" side yard to 9'-0", providing an aggregate side yard width of 13'-0"; and

WHEREAS, at the subject premises, the maximum FAR permitted is 0.50 (2,000 sq. ft. of floor area) pursuant to ZR § 23-142, the maximum lot coverage is 35 percent pursuant to ZR § 23-142, a minimum of 65 percent open space is required pursuant to ZR § 23-142 and two side yards, each with a minimum width of 5'-0" and an aggregate width of at least 13'-0," are required pursuant to ZR § 23-461; and

WHEREAS, the applicant has submitted a 1929 Sanborn map unequivocally establishing that the site's northern 4'-0" wide side yard and 6'-6" deep front yard are legal non-complying conditions; and

WHEREAS, the applicant represents that the proposed enlargement is consistent with the character of the neighborhood; and

WHEREAS, in support of that contention, the applicant submitted a comparison study of properties located within 400 feet of the subject site demonstrating that of the 148 properties in the survey area containing single- or two-family residences, 58 residences (39 percent) have a lot coverage greater than 40 percent; 16 residences (11 percent) have an FAR greater than 0.90 and 13 residences (9 percent) have an FAR greater than 0.95, including one residence immediately south to the subject site with 0.99 FAR and a residence two houses further south with an FAR of 1.0; and

WHEREAS, the applicant explains that the lot coverage of the subject proposal is consistent with other residences on the social block despite containing more floor area because the subject site is 10 feet wider than many of the lots on the social block and the majority of the additional floor area proposed with this application is proposed on portions of the lot that are already covered; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-2 zoning district, the proposed enlargement of an existing two-story, plus attic, single-family residence that does not comply with the zoning requirements for floor area ratio, lot coverage, open space and side yards, contrary to ZR §§ 23-142 and 23-461; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received October 7, 2016"-Thirteen (13) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: maximum floor area of 3,832 sq. ft. (0.96 FAR); maximum lot coverage of 41 percent (1,640 sq. ft.); a minimum of 59 percent open space (2,360 sq. ft.); and side yards with minimum widths of 4'-0" and 9'-0", as illustrated on the Board-approved plans

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by

the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the special relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 1, 2016.

2016-4164-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mark M. Papa and Chana S. Papa, owners.
SUBJECT – Application April 6, 2016 – Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); side yard requirements (§§23-461 & 23-48) and less than the required rear yard (§23-47). R3-2 zoning district.
PREMISES AFFECTED – 1744 East 29th Street, Block 6811, Lot 22, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 1, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

245-15-BZ
CEQR #16-BSA-042M
APPLICANT – Eric Palatnik, P.C., for New York Communications Center Association LP, owner; 99th Avenue Holdings LLC, lessee.
SUBJECT – Application October 15, 2015 – Special Permit (73-36) to permit the operation of a Physical Culture Establishment (*TMPL Gym*). C6-4 (Special Clinton) zoning district.
PREMISES AFFECTED – 350 West 50th Street, Block 1040, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #4M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 8, 2016, acting on Department of Buildings Application No. 122554128, reads in pertinent part:

> "Proposed 'Physical Culture Establishment' in C6-4 zoning district is not permitted pursuant to ZR 32-10 and is referred to the Board of Standards and Appeals (BSA) for a special permit under ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in a C6-4 zoning district and the Special Clinton District, the operation of a physical culture establishment (PCE) on two cellar levels of a 39-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 1, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is a corner lot bound by West 50th Street to the north, West 49th Street to the south and 9th Avenue to the west, in a C6-4 zoning district and the Special Clinton District, in Manhattan; and

WHEREAS, the site has approximately 327 feet of frontage along West 50th Street, 327 feet of frontage along West 49th Street, 201 feet of frontage along 9th Avenue, 67,696 sq. ft. of lot area and is occupied by a 39-story mixed used residential and commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 10, 1989 when, under BSA Cal. No. 421-88-BZ, the Board granted a special permit authorizing the construction of a PCE on two sub-cellar levels of the subject building for a term of ten (10) years, expiring January 10, 1999; and

WHEREAS, on April 16, 2013, under BSA Cal. No. 314-12-BZ, the Board granted a new special permit to allow the continued operation of the PCE, operated as Bally's Total Fitness, for a term of ten years, expiring April 16, 2023; and

WHEREAS, Bally's Total Fitness no longer occupies the PCE space and the applicant seeks a new special permit to permit a new PCE operated as TMPL Gym; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
(2) that such *use* contains:
  (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
  (ii) a swimming pool of a minimum 1,500 square feet; or
  (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
  (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 2,675 sq. ft. of floor area on the first floor, 12,141 sq. ft. of floor space in sub-cellar 2 and 20,680 sq. ft. of floor space in sub-cellar 3; and

WHEREAS, the PCE has been in operation as TPML Gym since March 23, 2016; and

WHEREAS, the applicant represents that the first floor consists of retail and reception space and provide the primary means of access to the full PCE space from West 49th Street; sub-cellar 2 contains the men's locker room and cardiovascular equipment; and sub-cellar 3 contains the women's locker room, additional cardiovascular equipment, weight training areas, group fitness space and a pool; and

WHEREAS, the facility operates Monday through Thursday, 5:00 a.m. to 11:00 p.m., Friday, 5:00 a.m. to 10:00 p.m., and Saturday through Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant represents that the PCE use does not impair the character of the surrounding residential community and notes the presence of other PCE uses at the same building and in the same location since at least 1989; and

WHEREAS, the applicant also notes that the majority of the PCE activity, on the sub-cellar 2 and sub-cellar 3 levels of the building, is separated from residential uses in

the building, which start on the second floor, by at least one story; that the PCE has a suspended gypsum ceiling and rubber matting on the floors to buffer any noise emanating from the use; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the space, the applicant states that the PCE provides facilities for classes, instruction and programs for physical improvement including indoor cycling, Pilates, yoga, boot camp, strength training and swimming lessons; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible for the issuance of the special permit, pursuant to ZR § 73-36(a)(2); and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant represents that an approved interior fire alarm—including area smoke detectors, manual pull stations at each required exits, local audible and visual alarms, and connection to an FDNY-central station—will be installed in the entire PCE space; and

WHEREAS, the applicant represents that the building is fully sprinklered; and

WHEREAS, by letter dated October 25, 2016, the Fire Department confirms that the building has a fully approved and functioning sprinkler system, that an application for an interior fire alarm has been filed at DOB and received by the Fire Department, that plans of that system and final performance tests will proceed immediately following the grant of the special permit if the application is approved, and that the agency has no objection to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement projects; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement ("EAS"), CEQR No. 16-BSA-042M, dated November 6, 2016; and

WHEREAS, the EAS documents that the proposed PCE will not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board has determined that the operation of a PCE at the premises will not have a significant adverse impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in a C6-4 zoning district and the Special Clinton District, the operation of a physical culture establishment (PCE) on two cellar levels of a 39-story mixed residential and commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 1, 2016"—Nine (9) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring March 23, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT an approved interior fire alarm—including area smoke detectors, manual pull stations at each required exits, local audible and visual alarms, and connection to an FDNY-central station—will be installed in the entire PCE space;

THAT the PCE shall be fully sprinklered;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any gymnasium equipment;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by November 1, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 1, 2016.

2016-4138-BZ
APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 323 Sixth LLC, owner; IFC Center, lessee.
SUBJECT – Application March 16, 2016 – Variance (§72-21) for an enlargement of an existing motion picture theater (*IFC Center*) contrary to both use and bulk requirements. C1-5/R7-2 & R6 zoning district.
PREMISES AFFECTED – 323-27 Avenue of the Americas, Block 589, Lot(s) 19, 30, 31, Borough of Manhattan.
COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

2016-4165-BZ
APPLICANT – Glen V. Cutrona, for Shore to Shore Foster, LLC, owner.
SUBJECT – Application April 6, 2016 – Variance (§72-21) to permit the construction of an eating and drinking establishment (UG 6) (*Tim Horton's*) with an accessory drive thru contrary to ZR §22-10. R3X (SRD) zoning district.
PREMISES AFFECTED – 5801 Amboy Road, Block 6896, Lot 53, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

CORRECTION

This resolution adopted on August 23, 2016, under Calendar No. 189-09-BZ and printed in Volume 101, Bulletin No. 35, is hereby corrected to read as follows:

189-09-BZ

APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.

SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.

PREMISES AFFECTED – 3067 Richmond Terrace, Block 01208, Lot 5, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance, previously granted by the Board pursuant to ZR § 72-21, legalizing an existing Use Group 4 mosque and Sunday school, contrary to ZR §§ 42-00 and 43-12, and for an extension of time to complete construction and obtain a Certificate of Occupancy, which expired on May 10, 2015; and

WHEREAS, a public hearing was held on March 8, 2016, after due notice by publication in *The City Record*, with a continued hearing on June 21, 2016 and August 16, 2016, and then to decision on August 23, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Staten Island, recommending approval of the subject application; and

WHEREAS, the application is brought on behalf of the Noor Al-Islam Society, a non-profit religious entity (the "Mosque"); and

WHEREAS, the subject site is located on the north side Richmond Terrace, west of Harbor Road, in an M3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 116 feet of frontage along Richmond Terrace, 12,555 sq. ft. of lot area, and is occupied by a five-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 10, 2011 when, under the subject calendar number, the Board granted a variance to permit the legalization and enlargement of an existing four-story plus basement mosque (Use Group 4) on condition that the building have 23,939 sq. ft. of floor area (1.19 FAR), a total height of 56'-6", a 17'-10" wide side yard along the western lot line, a 13'-7" wide side yard along the eastern lot line, a 34'-4" rear yard and seven (7) on-site parking spaces; and

WHEREAS, on the same date, under BSA Cal. No. 190-09-A, the Board granted a waiver of General City Law ("GCL") § 35 to legalize the portion of the existing building constructed partially within the bed of the mapped street; and

WHEREAS, by letter dated December 7, 2011, the Board approved modifications to the plans previously approved in conjunction with the variance, including the relocation of the existing interior stair to the back of the building and relocation of a proposed elevator in an enlargement at the southeast corner of the building; and

WHEREAS, the applicant presently seeks an amendment to the variance grant permitting modifications to the interior layout and an extension of time to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, the applicant seeks permission for the following internal changes: replacement of the boiler, the addition of a screening partition by the bathroom, closing off stair access to the bathroom and relocation of the elevator machine room in the basement; on the first floor, the installation of handicap bathroom access to both the men's and women's bathrooms, closing off stair access to the men's bathroom, and additions of a mechanical room and an elevator machine room; on the second floor, closing off stair access to the bathroom and the additions of a mechanical room and bathroom screening partition; on the third floor, the addition of a drinking fountain and close stair access to the bathroom; and on the fourth floor, the relocation of hall partitions and addition of a drinking fountain; and

WHEREAS, construction was to have been substantially completed pursuant to the variance grant by May 10, 2015, pursuant to ZR § 72-23; and

WHEREAS, the applicant represents that all internal construction has been completed and the only outstanding item is the installation of a fire escape; and

WHEREAS, the applicant states that construction is anticipated to be complete by the end of 2016, but requests an extension period of two (2) years in order to accommodate any unforeseen delays and allow adequate time to obtain a Certificate of Occupancy; and

WHEREAS, the Board notes that the Mosque has permission to use forty-three (43) parking spaces located on the adjacent Lot 20 pursuant to an easement executed with the owner of that lot and that the Board's 2011 Resolution issued under the subject calendar number was conditioned on the provision of seven (7) parking spaces provided at the site, for a total of fifty (50) on- and off-site parking spaces associated with the subject use and that such condition remains in effect; and

WHEREAS, the Fire Department originally recommended that sprinklers be installed throughout all public spaces at the premises, but upon the applicant's submission that the envelope of the subject building is

fireproof and that a modified fire alarm plan would provide as much, or more, protection as a sprinkler system, the Fire Department states, by letter dated July 8, 2016, that in lieu of sprinklers, the extension of the existing interior fire alarm—to include smoke and carbon monoxide detectors in all of the p*u*blic spaces—would be satisfactory; and

WHEREAS, the applicant submits that there have been no substantial changes in the character and nature of the surrounding area since the grant of the variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 10, 2011, so that as amended this portion of the resolution reads: "to amend the variance to permit modifications to the interior layout and grant an extension of time to complete construction and obtain a Certificate of Occupancy to May 10, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received August 22, 2016"- 13 (Thirteen) sheets; and *on further condition*:

THAT manual and automatic fire alarms, partial smoke and carbon monoxide detectors shall be installed throughout the building in corridors, prayer areas, common office storage rooms and classrooms, as indicated on the BSA-approved plans;

THAT a parking attendant shall be provided for thirty (30) of forty-three (43) parking spaces located on the adjacent Lot 20, as indicated on the BSA-approved plans;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 23, 2016.

***The resolution has been amended to correct the Lot No. which read:** "…*Lot 0001*..." **now reads** "…*Lot 5*…" **Corrected in Bulletin Nos. 43-45, Vol. 101, dated November 9, 2016.**

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BULLETIN

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2016-4297-A
3238 Schley Avenue, located on the southeast corner of the intersection formed by Schley and Clarence Avenues., Block 05490, Lot(s) 110, Borough of **Bronx, Community Board: 10**. Proposed development of a two-family dwelling within an unbuilt portion of an mapped street contrary to General City Law 35. C3A zoning district. C3A district.

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2016-4301-BZ
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2016-4302-A
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2016-4303-A
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2016-4304-A
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2016-4305-A
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2016-4306-A
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2016-4307-A
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2016-4308-A
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2016-4309-A
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2016-4310-A
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2016-4311-A
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2016-4313-A
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2016-4314-A
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2016-4315-A
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2016-4316-A
201 Avidita Place, Located on the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place, Block 03019, Lot(s) 401, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence not fronting on a legally mapped street, contrary to General City Law 36 R3-2 zoning district R3-2 district.

2016-4317-A
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2016-4318-A
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2016-4319-A
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2016-4320-A
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2016-4321-A
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2016-4322-A
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2016-4323-A
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2016-4324-A
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2016-4325-A
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2016-4326-A
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2016-4327-A
15 East 30th Street, located on East 30th Street between Fifth and Madison Avenues, Block 00860, Lot(s) 12, 69, 63, Borough of **Manhattan, Community Board: 5**. Appeal challenging NYC Department of Building's determination that the Tower complies with the New York City Zoning Resolution and the New York City Housing Maintenance Code. C5-2 zoning district. C5-2 district.

2016-4328-BZ
51 Astor Place, located on the south side of East 9th Street between 3rd and 4th Avenues., Block 00554, Lot(s) 35, Borough of **Manhattan, Community Board: 3**. Special Permit (§73-36) to permit the operation a Physical Cultural Establishment (Orangetheory Fitness) on the first and cellar floors of the existing building. C6-3 zoning district. C6-3 district.

2016-4329-A
2001 Bartow Avenue, located at the intersection formed byy Baychester and Bartow Avenues., Block 05141, Lot(s) 101, Borough of **Bronx, Community Board: 10**. An administrative appeal challenging the Department of Buildings' final determination dated October 25, 2016, to permit the installation of 54 individual signs at the subject property. C7 zoning district C7 district.

2016-4332-A
4 Williams Court, located at the intersection formed by Williams Court and New Haven Avenue., Block 15622, Lot(s) 181, Borough of **Queens, Community Board: 14**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R4-1 zoning district. R4-1 district.

2016-4330-A
16 Tuttle Street, located on Tuttle Street between Devens Street and Home Place, Block 01481, Lot(s) 96, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3X zoning district. R3X district.

2016-4331-A
19 Tuttle Street, located on Tuttle Street between Devens Street and Home Place, Block 01481, Lot(s) 300, Borough of **Staten Island, Community Board: 1**. To permit the proposed development of a one family home, contrary to Article 3 Section 36 of the General City Law. R3X zoning district. R3X district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JANUARY 10, 2017, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 10, 2017, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

80-54-BZ
APPLICANT – Sheldon Lobel, P.C., for Dryden Hotel Associates, LLC, owner.
SUBJECT – Application June 28, 2016 – Extension of Term (§11-411) of a previously granted variance which permitting commercial uses on the first floor and cellar of an existing residential building, which expired on July 2, 2016. R8B zoning district.
PREMISES AFFECTED – 150 East 39th Street, Block 894, Lot 52, Borough of Manhattan.
COMMUNITY BOARD #6M

66-96-BZ
APPLICANT – Francis R. Angelino, Esq., for Haug Properties, LLC, owner; Epiphany Community Nursery School, lessee.
SUBJECT – Application June 21, 2016 – Extension of Term of a previously approved Special Permit (§73-19) permitting the operation of a day care center school (UG 3) which expires on August 6, 2016. M1-4 zoning district.
PREMISES AFFECTED – 510 East 74th Street, Block 1485, Lot 45, Borough of Manhattan.
COMMUNITY BOARD #8M

171-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 568 Broadway Property LLC, owner; Equinox 568 Broadway Inc., lessee.
SUBJECT – Application February 1, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (*Equinox*) which expires on February 7, 2016. M1-5B zoning district.
PREMISES AFFECTED – 568 Broadway, Block 511, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #2M

APPEALS CALENDAR

2016-4186-A thru 2016-4207-A
APPLICANT – Eric Palatnik, P.C., for Fulcrum Real Estate Advisors, LLC, owner.
SUBJECT – Application May 13, 2016 – Proposed construction for twenty-two single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law. R2 zoning district.
PREMISES AFFECTED – 150-11 / 15 / 19 / 23 / 27 / 31 / 35 / 37 / 43 / 49 / 53 / 12 / 18 / 22 / 26 / 32 / 36 / 42 / 50 / 56 / 60 / 66 Sullivan Drive, Block 4509, Lot(s) 16, 18, 20, 22, 24, 26, 28, 30, 34, 36, 78, 80, 82, 84, 86, 88, 90 92, 94, 06, and 98, Borough of Queens.
COMMUNITY BOARD #7Q

2016-4227-A
APPLICANT – Cozen O'Connor, for Boys Town New York, Inc. (f/k/a Girls and Boys Town of New York, Inc.), owner.
SUBJECT – Application July 13, 2016 – Proposed development which is within the bed of a mapped but unopened portion of Fleet Place, located on the north west corner of Willoughby Street and Fleet Place, contrary to General City Law 35 and related bulk waivers pursuant to ZR Section 72-01(g). C6-4 (Special Downtown Brooklyn District) zoning district.
PREMISES AFFECTED – 112 Fleet Place (aka 167 Willoughby Street), Block 2062, Lot 23, Borough of Brooklyn.
COMMUNITY BOARD #2BK

REGULAR MEETING
JANUARY 10, 2017, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 10, 2017, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

134-15-BZ
APPLICANT – Sheldon Lobel, P.C., for David Aronowicz, owner; Cinderella 248, LLC, lessee.
SUBJECT – Application June 5, 2015 – Special Permit (§73-36) to allow the operation of a Physical Culture establishment (*Orange theory Fitness*) in the existing building on the first floor and cellar of a one story commercial building, located within an R7A/C2-4 zoning district.
PREMISES AFFECTED – 248 Flatbush Avenue, Block 936, Lot 12, Borough of Brooklyn.
COMMUNITY BOARD #6BK

201-15-BZ
APPLICANT – Law Office of Steven Simicich, for Jim Sidiropoulos, owner.
SUBJECT – Application August 27, 2015 – Special Permit (§73-53) to permit the enlargement of a one-story non-conforming warehouse building into a five story building containing parking, office space and residential use which exceeds the allowable commercial floor area. R6B & M1-2 zoning districts.
PREMISES AFFECTED – 218 57th Street, Block 845, Lot(s) 13 & 66, Borough of Brooklyn.
COMMUNITY BOARD #7BK

258-15-BZ
APPLICANT – Eric Palatnik, P.C., for Elijah Realty LLC, owner.
SUBJECT – Application November 18, 2015 – Special Permit (§73-44) to reduce the number of required accessory off street parking spaces from twenty nine (29) to fourteen (14) at the existing building. C4-2 zoning district.
PREMISES AFFECTED – 2619 East 16th Street, Block 7460, Lot 96, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-1214-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Elk 33 East 33rd LLC, owner; 305 Fitness Studio Two LLC, lessee.
SUBJECT – Application January 25, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*305 Fitness*) to operate within an existing commercial building. C5-2 zoning district.
PREMISES AFFECTED – 33 East 33rd Street, Block 863, Lot 29, Borough of Manhattan.
COMMUNITY BOARD #5M

2016-4123-BZ
APPLICANT – Eric Palatnik, P.C., for 168 Havemeyer Realty LLC, owner.
SUBJECT – Application February 23, 2016 – Special Permit (§73-44) to allow the reduction of required parking for the use group 4 ambulatory diagnostic treatment healthcare facility. C1-3/R6 zoning district.
PREMISES AFFECTED – 168 Havemeyer Street, Block 2420, Lot 30, Borough of Brooklyn.
COMMUNITY BOARD #1BK

2016-4141-BZ
APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 30 Park Place Hotel LLC, owner; Four Seasons Hotel New York Downtown, lessee.
SUBJECT – Application March 17, 2016 – Special Permit (§73-36) to permit a physical culture establishment (*Four Seasons Hotel Spa*) on a portion of the third floor of a mixed-use hotel and residential building. C5-3 (LM) zoning district.
PREMISES AFFECTED – 99 Church Street (aka 27 Barclay Street, Block 123, Lot(s) 1101-1260 (fka 10), Borough of Manhattan.
COMMUNITY BOARD #1M

2017-2-BZ
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 40 Seafoam Street Staten Island.
COMMUNITY BOARD #2 SI

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, NOVEMBER 15, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

SPECIAL ORDER CALENDAR

114-02-BZ
APPLICANT – David L. Businelli, R.A., for Jerry Campitiello, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Variance (72-21) which permitted the development of two-story building with retail on the first floor and offices on the second floor with accessory parking which expired on May 20, 2013; Waiver of the Rules. R2 zoning district.
PREMISES AFFECTED – 2493 Richmond Road, Block 947, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an amendment to modify the term of a variance, previously granted by the Board, which expired on May 20, 2013; and

WHEREAS, a public hearing was held on this application on June 14, 2016, after due notice by publication in *The City Record*, with a continued hearing on September 13, 2016, and then to decision on November 15, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and

WHEREAS, the subject site is located on the northwest corner of Richmond Road and Odin Street, within an R2 zoning district, on Staten Island; and

WHEREAS, the site has approximately 100 feet of frontage along Richmond Road, 116 feet of frontage along Odin Street, 11,349 sq. ft. of lot area and is occupied by a one-story, with cellar, office building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 3, 1981, when, under BSA Cal. No. 817-80-BZ, the Board granted a variance, pursuant to ZR § 72-21, to permit the conversion of an existing two-story dwelling into a medical and professional office building that did not comply with side yard regulations and the use of the open area on the site as an off-site accessory parking lot for an eating and drinking establishment for a term of five (5) years, expiring February 3, 1986; and

WHEREAS, the variance restricted the building's hours of operation and limited its occupancy to a medical office, attorney practice, architect, engineer or accountant's establishment or a small insurance firm; and

WHEREAS, on October 7, 1986, under BSA Cal. No. 817-80-BZ, the Board extended the term of the variance for an additional five (5) years, expiring February 3, 1991, limited the occupancy of the building only to those maintaining a New York State License, permitted on-site parking for that occupancy in addition to the accessory parking previously approved and, further conditioned the grant on all signs conforming to 50 percent of the size permitted in a C-1 zoning district; and

WHEREAS, on March 17, 1992, under BSA Cal. No. 817-80-BZ, the Board extended the term of the variance for another five (5) year term, expiring February 3, 1996, on condition, *inter alia*, that a Certificate of Occupancy be obtained within one (1) year, and permitted a retail florist, in addition to the general business offices permitted pursuant to the 1986 resolution, to occupy the subject building; and

WHEREAS, on October 18, 1994, under BSA Cal. No. 817-80-BZ, the Board granted an extension of thirty-one (31) months to obtain a Certificate of Occupancy; and

WHEREAS, on January 7, 1997, under BSA Cal. No. 817-80-BZ, the Board granted a five (5) year extension on the term of the variance, expiring February 3, 2001; and

WHEREAS, on May 20, 2003, under the subject calendar number, the Board granted a new variance, permitting the now one-story building to be occupied by Use Group 6 offices on the first floor and cellar levels for a term of ten (10) years, expiring May 20, 2013, on condition, *inter alia*, that no more than a third of the proposed cellar floor be used for additional offices and the remaining area be used for accessory uses; and

WHEREAS, the previous variance term and Certificate of Occupancy having expired, the applicant now seeks an additional ten (10) year term; and

WHEREAS, in addition, the applicant requests a waiver, pursuant to § 1-14.2 of the Board's Rules of Practice and Procedure, of Rule § 1-07.3(b)(3)(ii) to permit the filing for an extension of term more than two (2) years after but less than ten (10) years after the expiration of the term; and

WHEREAS, the Board finds that a ten (10) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated May 20, 2003, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of ten (10) years from the expiration of the last grant, to expire on May 20, 2023; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received September 28, 2016'-three (3) sheets and 'November 14, 2016'-two (2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years, expiring May 20, 2023;

THAT no more than a third of the proposed cellar floor shall be used for additional offices and the remaining area shall be used for accessory uses;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Department of Buildings/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 15, 2016.

949-57-BZ

APPLICANT – Akerman, LLP, for Pelham Bridges Realties, LLC, owner; NY Dealers Stations, LLC, owner.

SUBJECT – Application July 7, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on October 29, 2014; Waiver of the Rules. R5D zoning district.

PREMISES AFFECTED – 2100 Williamsbridge Avenue, Block 4310, Lot 30, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

17-92-BZ

APPLICANT – Eric Palatnik, P.C., for E & O Realty, owner.

SUBJECT – Application October 23, 2015 – Extension of Term of a previously approved variance which expired on July 19, 2014; Amendment to permit renovations to the interior and exterior of the building; Waiver of the Rules. R5 zoning district

PREMISES AFFECTED – 60-06/12 Northern Boulevard, Block 1183, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for decision, hearing closed.

168-98-BZ

APPLICANT – Robert J. Stahl for Herbert D. Freeman, 238 Street Holding, LLC, owner.

SUBJECT – Application April 10, 2015 – Extension of Term (§ 11-411) of a previously approved variance which permitted a parking lot for more than five motor vehicles (Use Group 8) which expired on March 23, 2009; Waiver of the Rules. R6/R4A zoning district.

PREMISES AFFECTED – 3050 Bailey Avenue, Block 3261, Lot 12, Borough of Bronx.

COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

227-02-BZ

APPLICANT – Stanley K. Schlein, Esq., for 4201 Webster Corp., owner.

SUBJECT – Application August 21, 2015 – Extension of Term (§§72-01 and 72-22) of a previously approved variance which permitted the operation of an automotive service station (UG 16B) with an accessory convenience store which expired on December 12, 2013; Amendment to the condition of term since the term expired in excess of 2 years but less than ten years; Extension of Time to Obtain a Certificate of Occupancy which expired on December 10, 2006; Waiver of the Board's Rules. R7-A zoning district.

PREMISES AFFECTED – 527 East 233rd Street, Block 3395, Lot 80, Borough of Bronx.

COMMUNITY BOARD #12BX

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

APPEALS CALENDAR

2016-4278-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X zoning district.

PREMISES AFFECTED – 173 Cedar Grove Avenue. Block 4029, Lot 1. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family that does not

front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought by on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5 (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cedar Grove Avenue within an R3X zoning district, in Staten Island; and

WHEREAS, the site has 24 feet of frontage along Cedar Grove Avenue and 2064 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated October 5, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4279-A
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X zoning district.
PREMISES AFFECTED – 229 Father Capodanno Boulevard. Block 3122, Lot 140. Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought by on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5 (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Father Capodanno Boulevard within an R3-1 zoning district, in Staten Island; and

WHEREAS, the site has 28 feet of frontage along Father Capodanno Boulevard and 2100 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated October 5, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4280-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X zoning district.

PREMISES AFFECTED – 9 Van Brunt Road. Block 15485, Lot 12. Borough of Queens.

COMMUNITY BOARD # 14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

RESOLUTION –

WHEREAS, this is an application to allow for the elevation or reconstruction of a single family that does not front on a mapped street, contrary to General City Law § 36 ("GCL § 36"), as well as a waiver of certain of the Board's Rules of Practice and Procedure; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, this application is brought by on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and efficiently, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5 (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Van Brunt Road within an R3-2 zoning district, in Queens; and

WHEREAS, the site has 23 feet of frontage along Van Brunt Road and 2300 sq. ft. of lot area; and

WHEREAS, it has been determined by HRO that the subject site is occupied by a building or other structure or was occupied by a building or other structure on October 28, 2012, which must be reconstructed or elevated and which does not front on a mapped street; and

WHEREAS, in support of this application, HRO has submitted the following documents to the Board: (1) a BSA application form; (2) a statement of facts which includes reference to HRO's identification of the site as not fronting on a mapped street; (3) exhibits with property information; (4) maps of the subject property; and

WHEREAS, by letter dated October 5, 2016, the Fire Department stated that it had no objections to the proposal provided that: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet; and

WHEREAS, the Fire Department further stated, that in circumstances where the construction consists primarily of structural elevation and FDNY has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, DOB may waive the requirement that the building has a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from FDNY; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 36, *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that it is exempt;

THAT the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code;

THAT the underside of the exterior of the building where the foundation is not closed shall have a floor assembly that

provides a 2-hour fire resistance rating;

THAT the height from grade plan to the highest window-sill leading to a habitable space may not exceed 32'-0" feet;

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for elevation or reconstruction of previously existing structures; insofar as the applicant proposes, instead, to repair the building or other structure on subject lot, this waiver will be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or structure; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4281-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 23 West 15th Road. Block 15319, Lot 52. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on West 15 Road within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition

shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide

alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4282-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 14-17 Cross Bay Boulevard. Block 15320, Lot 27. Borough of Queens

COMMUNITY BOARD #2 & 3 SI and 14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cross Bay Boulevard within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a

planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend

further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4283-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 125 East 6th Road. Block 15400, Lot 2. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on East 6 Road within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to

accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as

confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4284-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 12-24 Cross Bay Boulevard. Block 15477, Lot 10. Borough of Queens

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Cross Bay Boulevard within a R3-2 zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey

prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey

prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4285-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 22-51 Dix Avenue. Block 15661, Lot 41. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 5 units home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Dix Avenue within a R5 zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not

within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4286-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 472 Beach 69th Street. Block 16042, Lot 35. Borough of Queens.

COMMUNITY BOARD #2 & 3 SI and 14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously

and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beach 69 Street within a R4A zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that there are no existing or planned DEP Capital Projects associated with the subject site and that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that it has no objection to the proposal and that there is no existing or planned DOT Capital Project associated with the subject site; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-

managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4287-A
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 88-02 Rockaway Beach Boulevard. Block 16123, Lot 86. Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Rockaway Beach Boulevard within a R5D zoning district, in Queens; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated

with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4288-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 857 Patterson Avenue. Block 03816, Lot 32. Borough of Staten Island

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Patterson Avenue within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is

less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the

elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4289-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 630 Midland Avenue. Block 03875, Lot 26. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 5 units home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Midland Avenue within a R3-2 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as

indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified

DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4290-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 401 Mill Road. Block 4024, Lot 30. Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Mill Road within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed

existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed

existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4291-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 24 Diaz Place. Block 4055, Lot 36. Borough of Staten Island

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Mill Road

within a R2 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4292-A

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 33 Beacon Place. Block 4064, Lot 1. Borough of Staten Island

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a 5 units home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort

to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Beacon Place within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and

Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4293-A
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – General City Law 35 Waiver for the reconstruction of properties located withing the bed of a mapped street, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 220 Winman Avenue. Block 5306, Lot 61. Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, this is an application for waiver of certain of the Board's Rules of Practice and Procedure and to allow for the elevation or reconstruction of a Single Family home on a portion of a site that lies within the bed of a mapped street, contrary to General City Law ("GCL") § 35; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Mayor's Office of Housing Recovery Operations ("HRO") and the Build it Back Program, which was created to assist New York City residents affected by Hurricane Sandy; and

WHEREAS, in order to accept the application from HRO on behalf of the owner, and in furtherance of the City's effort to rebuild homes impacted by Hurricane Sandy expeditiously and efficiently, the Board waives, pursuant to 2 RCNY § 1-14.2, the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-06.1(b) (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-06.3(b) (Filing Period), (3) 2 RCNY § 1-06.4(b) (Application Referral), (4) 2 RCNY § 1-06.5(b) (Hearing Notice), and (5) 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on Wiman Avenue within a R3-1 zoning district, in Staten Island; and

WHEREAS, by letter dated October 19, 2016, the Department of Environmental Protection ("DEP") states that a DEP Capital Project extends into the subject site, but that DEP has no objections to the proposed application, on condition that (1) no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; (2) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; (3) if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor; and (4) if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply; and

WHEREAS, by letter dated October 20, 2016, the Department of Transportation ("DOT") states that there is a planned and finalized DOT Capital Project associated with the subject site; and

WHEREAS, accordingly, DOT and DEP further condition the subject application on all buildings or other structures, including exterior stairs, not being constructed within either a planned DEP Capital Project, as indicated on the Department of Design and Construction's ("DDC") Damages Map and/or Acquisition plans as of September 15, 2015, or a planned DOT Capital Project, as indicated on DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC; and

WHEREAS, DOT states that the foregoing condition shall not apply where the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor; and

WHEREAS, by letter dated October 5, 2016, the Fire Department states that it has no objections to the proposal on the condition that where the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that

provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0"; and

WHEREAS, the Fire Department further stated that, in circumstances where the construction consists primarily of structural elevation and the Fire Department has determined that the home has been mostly repaired, with the exception of work associated with elevating the home, elevating and moving mechanical, electrical, and plumbing equipment, roof construction or other minor work associated with elevating the home in compliance with the New York City Building Code Appendix G, the Department of Buildings ("DOB") may waive the requirement that the building has a sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code upon notice from the Fire Department; and

WHEREAS, the Board notes that pursuant to GCL §35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the above-referenced Rules of Practice and Procedure, and authorizes a waiver of GCL § 35 and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal *on condition* that the proposed elevation or reconstruction will comply with all applicable zoning district requirements; and that all other applicable laws, rules and regulations shall be complied with; and *on further condition*:

THAT no building or other structure may be constructed over an existing DEP-managed water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT if a proposed building or other structure is within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired, the proposed building or other structure may be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor;

THAT if a proposed building or other structure is not within the exact footprint of the pre-Hurricane Sandy building or other structure being replaced or repaired solely because of the addition of a new landing, lift, ramp, staircase and/or porch required to accommodate elevation of the proposed building or other structure, that portion of the proposed building or other structure that is within the exact footprint of the pre-Hurricane Sandy building or other structure may remain within 5 feet of a DEP-managed existing water or sewer main but such new landing, lift, ramp, staircase and/or porch may not be within 5 feet of a DEP-managed existing water or sewer main, as confirmed by a survey prepared by a New York State licensed land surveyor, unless DEP has notified DOB that such limitation does not apply;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DEP Capital Project as indicated on the DDC's Damages Map and/or Acquisitions plan as of September 15, 2015;

THAT all buildings or other structures, including exterior stairs, not be constructed within a planned DOT Capital Project as indicated on the DDC's Right of Way Acquisition Plan as of September 15, 2015, or as indicated in writing by the DDC, unless the subject building or other structure does not extend further into the privately mapped right-of-way than the footprint of the pre-Hurricane Sandy building or other structure that is being replaced or repaired, the location of such existing building or other structure having been established through a survey prepared by a New York State licensed land surveyor;

THAT, if the curb-to-curb width of the street is less than 34 feet or the building is setback more than 40 feet from the curb line: (1) the building shall have a fire sprinkler system in accordance with Chapter 9 and Appendix Q of the New York City Building Code, unless the Fire Department has notified DOB that the building is exempt; (2) the building will be provided with interconnected smoke and carbon monoxide alarms, designed and installed in accordance with Section 907.2.11 of the New York City Building Code; (3) the underside of the building, where the foundation is not completely closed, shall have an exterior assembly that provides a 2-hour fire resistance rating; and (4) the height from grade plane to the highest window-sill leading to a habitable space may not exceed 32'-0";

THAT this approval shall be limited to the Build it Back program;

THAT this approval is limited to proposals for the elevation or reconstruction of previously existing structures and insofar as the applicant proposes, instead, to repair the building or other structure on the subject lot, this waiver shall be void as unnecessary;

THAT the applicant provide the Board with a full set of

approved plans upon DOB's issuance of a Certificate of Occupancy for the subject building or other structure;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

166-12-A
APPLICANT – NYC Department of Buildings.
OWNER – Sky East LLC c/o Magnum Real Estate Group, owner.
SUBJECT – Application June 4, 2012 – Application to revoke the Certificate of Occupancy. R8B zoning district.
PREMISES AFFECTED – 638 East 11th Street, south side of East 11th Street, between Avenue B and Avenue C, Block 393, Lot 26, Borough of Manhattan.
COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

107-13-A
APPLICANT – Law Office of Marvin B. Mitzner LLC, for Sky East LLC, owner.
SUBJECT – Application April 18, 2013 – An appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R7- 2 zoning district. R7B zoning district.
PREMISES AFFECTED – 638 East 11th Street, south side of East 11th Street, between Avenue B and Avenue C, Block 393, Lot 25, 26 & 27, Borough of Manhattan.
COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

ZONING CALENDAR

318-14-BZ
CEQR #15-BSA-125K
APPLICANT – Walter T. Gorman, P.E., P.C., for Leemilts Petroleum Inc., owner; Capitol Petroleum Group, lessee.
SUBJECT – Application December 5, 2014 – Re-Instatement (§11-411) previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on October 27, 1987; Waiver of the Rules. C1-2 in R5 zoning district.
PREMISES AFFECTED – 1672-1680 86th Street aka 1-17 Bay 14th Street, south East Corner of Bay 14th Street, Block 06365, Lot 33, Borough of Brooklyn.
COMMUNITY BOARD #11BK

A**CTION OF THE BOARD –** Application Withdrawn without Prejudice.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice & Procedure and the reinstatement of a variance previously granted by the Board, which expired on October 27, 1987; and

WHEREAS, a public hearing was held on August 18, 2015, after due notice by publication in *The City Record*, with continued hearings on January 22, 2016, March 8, 2016, and June 2, 2016, and then to decision on November 15, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and the surrounding neighborhood; and

WHEREAS, the subject site is located on the southwest corner of the intersection of 86th Street and Bay 14th Street, in an R5 (C1-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 87 feet of frontage along 86th Street, 140 feet of frontage along Bay 14th Street, 12,966 sq. ft. of lot area and is occupied by a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 6, 1943, when, under BSA Cal. No. 284-42-BZ, the Board granted a variance at the subject site, which was already occupied by a gasoline station and individual garages, permitting the removal of the existing buildings, reconstruction of an accessory building to be used as a garage, lubritorium, dressing rooms and office and the use of the remainder of the plot as a gasoline service station for a term of ten (10) years, expiring April 6, 1953; and

WHEREAS, from time to time, under BSA Cal. No. 284-42-BZ, the Board amended the resolution to grant one-year extensions of time to complete construction and accept revised plans for the site; and

WHEREAS, on July 7, 1953, under BSA Cal. No. 284-42-BZ, the Board granted a ten (10) year extension of term for the previously approved variance, expiring July 7, 1963; and

WHEREAS, subsequently, under BSA Cal. No. 284-42-

BZ, the Board amended the resolution to permit the installation of additional gasoline tanks at the premises; and

WHEREAS, on February 25, 1964, April 29, 1975, and October 27, 1987, under BSA Cal. No. 284-42-BZ, the Board extended the term of the variance for additional ten (10) year terms, the last of which expired on April 29, 1995; and

WHEREAS, on December 14, 1965, under BSA Cal. No. 978-65-BZ, the Board granted an application to permit additional uses at the site including accessory parking on condition, *inter alia*, that a Certificate of Occupancy be obtained by December 14, 1966; and

WHEREAS, on May 9, 1972, under BSA Cal. No. 978-65-BZ, the Board amended the resolution to grant a six month extension of the time to obtain a Certificate of Occupancy to November 9, 1972; and

WHEREAS, the previous term having expired more than ten (10) years ago, the applicant seeks a reinstatement of the variance in accordance with Board Rule of Practice and Procedure § 1-05 et seq.; and

WHEREAS, in addition, the applicant seeks a waiver, pursuant to Board Rule of Practice and Procedure § 1-14.2, of Board Rule of Practice and Procedure § 1-07.3(b)(4)(i) to permit the filing of this application more than ten (10) years after the expiration of the most recent term; and

WHEREAS, pursuant to Board Rule of Practice and Procedure § 1-07.3(b)(4)(i), the applicant has demonstrated that the use has been continuous at the site since the expiration of the term on April 29, 1995, and that substantial prejudice would result without such a waiver, specifically the loss of the gasoline service station would negatively impact the surrounding community as it is one of few service stations in the area still offering repair services; and

WHEREAS, by letter dated December 3, 2015, the Fire Department confirmed that the subject gasoline station has been continuously approved to operate from 1997 through the present; and

WHEREAS, in response to Board requests, the applicant made physical improvements to the site, including the planting of street trees, the replacement of an industrial-style roll-up gate with a sliding gate with vinyl slats, replacement of windows, and the removal of graffiti; and

WHEREAS, however, by letter dated May 16, 2016, with several compliance issues at the site still yet to be resolved, the applicant stated that the operator of the subject gasoline station was surrendering its leasehold interest at the site and, by letter dated August 17, 2016, the applicant requested that the Board permit withdrawal of the application; and

WHEREAS, pursuant to the Board Rule of Practice and Procedure § 1-12.2, the Board may consider a request to withdraw an application made by the applicant at any time before the Board's final determination and the Board may permit withdrawal without prejudice upon request if the request to withdraw is made before the hearing has been closed; and

WHEREAS, if, as in this case, the request to withdraw is made after the hearing is closed, the Board may permit withdrawal without prejudice for good cause only and may otherwise refuse the withdrawal, or condition the withdrawal with prejudice on the refiling of a future application for the same relief, if the Board determines that proper enforcement or public policy would thereby be served; and

WHEREAS, the Board finds that proper enforcement would be served by the withdrawal of the subject application with prejudice on the refiling of a future application at the subject site for the same relief; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 15-BSA-125K, dated October 14, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and accepts the withdrawal of the application filed under BSA Cal. No. 31-14-BZ, with prejudice.

Adopted by the Board of Standards and Appeals, November 15, 2016.

254-15-BZ
CEQR #16-BSA-050M
APPLICANT – Rothkrug Rothkrug & Spector LLP
SUBJECT – Application November 9, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink*) within a new cellar and eight-story mixed-use building. C2-5/R7A zoning district.
PREMISES AFFECTED – 98 Avenue A, Block 402, Lot 3, Borough of Manhattan.
COMMUNITY BOARD #3M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 8, 2016, acting on Department of Buildings ("DOB") Application No. 121663119, reads in pertinent part:

> "The proposed 'physical culture or health establishment (PCE). The subject building is contrary to ZR32-10 and requires a BSA special permit pursuant to ZR73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in an R7A (C2-5) zoning district, the operation of a physical culture establishment (PCE) on a portion of the cellar and first floors of an eight-story, with cellar, mixed-use commercial and residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 13, 2016 after due notice by publication in *The City Record*, with a continued hearing on November 15, 2016 and then to decision on the same date; and

WHEREAS, Community Board 3, Manhattan,

recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the east side of Avenue A, between East 7th Street and East 6th Street, in an R7A (C2-5) zoning district, in Manhattan; and

WHEREAS, the site has approximately 108 feet of frontage along the east side of Avenue A, 75 feet of depth, 8,100 sq. ft. of lot area, and proposed to be occupied by an eight-story, with cellar, mixed-use commercial and residential building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and

(2) that such *use* contains:

(i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or

(ii) a swimming pool of a minimum 1,500 square feet; or

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE will occupy 5,603 sq. ft. of floor space in the cellar and 6,704 sq. ft. of floor area on the first floor of the proposed building; and

WHEREAS, the PCE will be operated as Blink Fitness; and

WHEREAS, the applicant represents that the cellar will contain locker rooms and an exercise equipment area, and the first floor will contain the entrance lobby, office space, cardiovascular exercise equipment and stretch areas; and

WHEREAS, the PCE's proposed hours of operation are Monday through Saturday, 5:30 a.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant states that the portion of Avenue A surrounding the proposed PCE is developed with mixed-use buildings containing commercial uses on the ground floor and residential uses on the floors above, similar to the building proposed at the subject site, and, thus, the proposed PCE will neither impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to sound attenuation in the proposed PCE, the applicant states that the PCE will utilize rubber flooring with an STC rating of 46, an acoustic floating floor on the ground floor, interior demising walls with batt insulation and an STC rating of 50 and demising walls separating the PCE space from other uses in the building having an STC rating of 56; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE provides facilities for cardiovascular exercise and instruction for physical

improvement and weight reduction; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted plans to the Board indicating that the PCE will be fully sprinklered and that an approved fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection of the interior fire alarm and sprinkler system to an FDNY-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the Fire Department states that, based on its review of the drawings and supporting documentation for the proposed PCE, it has no objections to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any pending or approved public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA050M, dated November 9, 2015; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an R7A (C2-5) zoning district, the operation of a physical culture establishment on a portion of the cellar and first floor of an eight-story, with cellar, mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 26, 2016"-Five (5) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring November 15, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and that exit pathways shall be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system shall be installed in the entire PCE space and that such system shall include: area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection of the interior fire alarm and sprinkler system to an FDNY-approved central station;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the PCE shall be fully sprinklered;

THAT noise abatement measures shall be provided within the PCE space to ensure that the sound level in other portions of the building does not exceed the maximum noise level of 45 dBA, including sound emanating from any sound system, if installed;

THAT all exterior signage shall comply with C2-5 zoning district regulations;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by November 15, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4124-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for CAB Bedford LLC, owner; Equinox Bedford Avenue, Inc., lessee.

SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. M1-2/R6B (MX-8) zoning district.

PREMISES AFFECTED – 238 Bedford Avenue (a/k/a 118 North 4th Street, 185 Berry Street), Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 1, 2016, acting on Department of Buildings (DOB) Application No. 320887894, reads in pertinent part:

"Proposed physical culture establishment, in an

M1-2/R6B/MX-8 zoning district is contrary to Section ZR 42-10 and 123-20 ZR and must be referred to the BSA"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-2/R6B zoning district and the MX-8 Special Mixed Use District, the operation of a physical culture establishment (PCE) on a portion of the first and second floors of a two-story commercial building, contrary to ZR §§ 42-10 and 123-20; and

WHEREAS, a public hearing was held on this application on October 14, 2016, after due notice by publication in *The City Record*, with a continued hearing on November 15, 2016 and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Bedford Avenue and North 4th Street, with frontages on the west side of Bedford Avenue, the south side of North 4th Street, and the east side of Berry Street, in an M1-2/R6B zoning district and the MX-8 Special Mixed Use District, in Brooklyn; and

WHEREAS, the site has approximately 137 feet of frontage on Bedford Avenue, 400 feet of frontage along the south side of North 4th Street, 100 feet of frontage along the east side of Berry Street, 47,400 sq. ft. of lot area, and is occupied by a two-story commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and

(2) that such *use* contains:

(i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or

(ii) a swimming pool of a minimum 1,500 square feet; or

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 7,906 sq. ft. of floor area on the first floor and 14,225 sq. ft. of floor area on the second floor for a total of 22,131 sq. ft. of floor area; and

WHEREAS, the PCE has been in operation as Equinox Fitness since September 12, 2016; and

WHEREAS, the facility's hours of operation are Monday through Friday, 5:00 a.m. to 11:30 p.m., and Saturday and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the first floor contains a reception area, men's and women's locker rooms, spa areas, a group exercise room, employee lockers, storage and laundry facilities, and the second floor contains an additional group fitness space, a cycling studio, cardiovascular equipment and strength training area, in addition to office and retail space; and

WHEREAS, the applicant represents that the PCE is

located in an existing commercial building and that a majority of its members will be residents of nearby residential areas as well as employees of commercial enterprises located nearby and, therefore, access the PCE by foot; and

WHEREAS, the applicant submits that the PCE space—including the cycling studio group fitness room and weight-lifting areas located on the second floor—will utilize various acoustical wall, ceiling and floor construction materials so as to minimize noise disturbance to neighboring uses; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE provides facilities for group fitness classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant states that fire alarms and sprinklers have been installed in the PCE space; and

WHEREAS, by letter dated October 6, 2016, the Fire Department confirmed that the PCE shall include an approved fire alarm system and full sprinkler system at the premises, states that egress locations, egress paths, and egress travel distance are acceptable, and states that the applicant shall submit a copy of the certificate of occupancy that matches the use shown on the drawings as a group A-3 occupancy; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any pending or approved public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed Checklist action and has documented relevant information about the project in the Final Environmental Assessment Statement ("EAS"), CEQR No. 16-BSA-080K, dated February 24, 2016; and

WHEREAS, the EAS documents that the proposed PCE will not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board has determined that the operation of a PCE at the subject premises will not have a significant adverse impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in an M1-2/R6B zoning district and the MX-8 Special Mixed Use District, the operation of a physical culture establishment on a portion of the first and second floors of a two-story commercial building, contrary to ZR §§ 42-10 and 123-20; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 26, 2016"- Eight (8) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring September 12, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and that exit pathways shall always be maintained unobstructed, including from any gymnasium equipment;

THAT the PCE shall be equipped with a fire sprinkler system;

THAT the PCE shall be equipped with an interior fire alarm connected to an FDNY-approved station;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT noise attenuation measures shall be provided in the PCE space to ensure that the sound level in other portions of the build does not exceed the maximum interior noise level of 45 dBA, including sound emanating from any sound system, if installed;

THAT all signage shall comply with applicable zoning district regulations;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by November 15, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the

applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

56-02-BZ
APPLICANT – NYC Board of Standards and Appeals.
SUBJECT – Application June 21, 2016 – Compliance Hearing of a previously approved Variance (§72-21) which permitted the construction of a four-story plus cellar school, which created non-compliances with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to ZR §24-11, §24-34, §24-35, §24-36 and §24-521. R5 zoning district.
PREMISES AFFECTED – 317 Dahill Road, Block 5369, Lot(s) 82, 83, 84 and 85 (tentative Lot 82), Borough of Brooklyn.
COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

8-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.
SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.
PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R, Block 6804, Lot 41, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December 6, 2017, at 10 A.M., for continued hearing.

30-14-BZ
APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.
SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.
PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for deferred decision.

54-14-BZ
APPLICANT – Moshe M. Friedman, P.E., for 11-01 Irving Avenue, LLC, owner.
SUBJECT – Application April 3, 2014 – Variance (§72-21) to permit development of a three story and penthouse residential building, contrary to use regulations (§42-00). M1-4 zoning district.
PREMISES AFFECTED – 1506 Decatur Street aka 11-01 Irving Avenue aka 1504 Decatur Street, Block 3542, Lot 12, Borough of Queens.
COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

11-15-BZ
APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.
SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.
PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #15BK
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda ……...5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2016, at 10 A.M., for decision, hearing closed.

44-15-BZ
APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.
SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633) and rear setback requirements (§23-633(b). R8 zoning district.
PREMISES AFFECTED – 145 Central Park North, between

Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.
COMMUNITY BOARD #10M
ACTION OF THE BOARD – Laid over to March 7, 2017, at 10 A.M., for deferred decision.

168-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Bushwack 7 LLC, owner.
SUBJECT – Application July 28, 2015 – Variance (§72-21) to permit the development of a four-story commercial building contrary to height, setback and parking requirements. M1-1 zoning district.
PREMISES AFFECTED – 58 Grattan Street, Block 3008, Lot 15, Borough of Brooklyn.
COMMUNITY BOARD #1BK
ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for adjourned hearing.

248-15-BZ
APPLICANT – Eric Palatnik, P.C., for HDL Management, owner.
SUBJECT – Application October 21, 2015 – Special Permit (73-44) to reduce the 49 required parking spaces to twenty-five (25) for a proposed new five story and cellar new UG4 ambulatory diagnostic treatment health facility building. R5/C1-2 zoning district.
PREMISES AFFECTED – 150-15 Barclay Avenue, Block 5058, Lot 5, Borough of Queens.
COMMUNITY BOARD #7Q
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

2016-1209-BZ
APPLICANT – Law Office of Jay Goldstein, for Yechezkel Reichman, owner.
SUBJECT – Application January 14, 2016 – Special Permit (§73-622) & Variance (§72-21) for the enlargement of an existing single family home. R2 zoning district.
PREMISES AFFECTED – 2701 Avenue K (1085 East 27th Street), Block 7609, Lot 9, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

2016-4152-BZ
APPLICANT – Law Office of Jay Goldstein, for Midyan Gate Realty No. 3 LLC, owner.
SUBJECT – Application March 28, 2016 – Special Permit (§73-19) to allow a school (UG 3) (*Yeshiva Darche Eres*) to occupy a portion of the first floor and the entirety of the second, third and fourth floors of the Premises, contrary to use regulation (§42-10). M1-1 (OP) zoning district.
PREMISES AFFECTED – 325 Avenue Y, Block 7192, Lot 45, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 15, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.

ZONING CALENDAR

2016-4228-BZ
CEQR #17-BSA-003M
APPLICANT – Snyder & Snyder, LLP, for Cleveland Arms Apt. Corp., owner; New York SMSA Limited Partnership d/b/a Verizon Wireless, lessee.
SUBJECT – Application July 21, 2016 – Special Permit (§73-30) to permit the increase of a public utility wireless communications facility's (*Verizon Wireless*) equipment room in the basement of an existing building contrary to ZR §22-21. C2-8/R8 zoning district.
PREMISES AFFECTED – 205 West 95th Street, Block 1243, Lot 28, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative: 0
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Chief Plan Examiner, dated July 21, 2016, acting on Department of Buildings Application No. 122388834, reads in pertinent part:

> The total square footage (of all existing and proposed communications carriers) exceeds the 400 sf. stipulated by TPPN #5/98; therefore a special permit is required from the Board of Standards and Appeals per ZR 22-21; and

WHEREAS, this is an application under ZR §§ 73-14 and 73-03, to permit, on a site located partially within an R8 zoning district and partially within a C2-8 zoning district, the modification of an existing telecommunications facility in the cellar of an existing building contrary to ZR § 22-10; and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, this application is brought on behalf of Verizon Wireless, a wireless telecommunications company licensed by the Federal Communications Commission ("FCC"); and

WHEREAS, subject site is located on the north side of West 95th Street, between Broadway and Amsterdam Avenue, partially within an R8 zoning district and partially within a C2-8 zoning district, in Manhattan; and

WHEREAS, the site has approximately 111 feet of frontage along West 95th Street, 11,475 sq. ft. of lot area, and is occupied by a six-story, plus cellar, residential building; and

WHEREAS, a telecommunications room with approximately 398 sq. ft. of floor space, containing various equipment cabinets, racks and air conditioning units, is presently located in a portion of the cellar of the subject building completely located within an R8 zoning district (the "Telecommunications Facility"); and

WHEREAS, additional telecommunications equipment, including GPS antennae, are also installed on the roof of the subject building (the "Rooftop Equipment"), but no enlargement to or modification of such equipment is proposed as part of this application; and

WHEREAS, the Telecommunications Facility and Rooftop Equipment were installed pursuant to Department of Buildings Technical Policy and Procedure Notice ("TPPN") #5/98, which clarifies that antennae and related equipment that meet certain criteria are not subject to zoning and may be installed without the filing of an alteration application or the issuance of a permit; and

WHEREAS, specifically, TPPN #5/98 exempts from zoning, *inter alia*, related cellular equipment that does not occupy more than 5% of the floor area on a zoning lot or 400 sq. ft.; and

WHEREAS, TPPN #5/98 also states that, to the extent antennae and related equipment do not meet the criteria set forth therein, "they may be classified as Use Group 6 "communication equipment structures,' and as such, may require a special permit in residence districts pursuant to Z.R. § 22-21"; and

WHEREAS, the applicant proposes to expand the Telecommunications Facility with additional equipment to be located in, what is now, an adjacent superintendent's office, creating a room with 617 sq. ft. of total floor space (the "Enlarged Facility"); and

WHEREAS, the applicant states that the additional telecommunications equipment will not exceed four cabinets, and any other equipment will be installed on open racks; and

WHEREAS, because the Enlarged Facility exceeds 400 square feet and, thus, does not comply with TPPN #5/98, the applicant seeks the subject relief; and

WHEREAS, ZR § 73-14 provides:

> In all *Residence Districts*, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:
>
> (a) That such *use* will serve the residential area within which it is proposed to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such *use* within a *Residence District*; and
>
> (b) In the case of such electric or gas utility substations or potable water pumping stations, that the site for such *use* has a minimum *lot area* of 4,500 square feet.
>
> The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that electric utility substations shall meet the performance standards for an M1 District; that such electric or gas utility substations or potable water pumping stations shall be surrounded by fences, barriers, or other safety devices; or that any such *use* shall be landscaped; and

WHEREAS, the Board notes that in addition to the foregoing, it determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, pursuant to ZR § 73-03(g), the Board may permit the enlargement of any existing use which, if new, would be permitted by special permit, provided that the Board makes all of the required findings applicable to the special permit uses and that no such enlargement creates a new non-compliance or increases the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of ZR §§ 73-62 to 73-68, inclusive; and

WHEREAS, the Board notes that, because the Telecommunications Facility, if it were new, would be permitted at the subject site by special permit, pursuant to ZR § 73-14, and the Enlarged Facility neither creates a new non-compliance nor increases the existing degree of non-compliance with applicable bulk regulations, the Board may permit the proposed enlargement; and

WHEREAS, specifically, the Board notes that the site is in a district in which the subject special permit is available and that TPPN #5/98 classifies equipment in excess of 400 sq. ft. as "communication equipment structure," which the special permit explicitly permits; and

WHEREAS, with regards to ZR § 73-14(a), the applicant states that the Enlarged Facility will enable Verizon Wireless to add equipment that will provide additional support and update technology across its network, which serves the subject residential area; and

WHEREAS, the applicant further states that the Enlarged Facility cannot be located in a district where it is permitted as of right because the additional equipment proposed must be located adjacent to the existing equipment in the Telecommunications Facility; and

WHEREAS, based upon its review of the record, the Board finds that the proposed Enlarged Facility will serve the residential area in which it is located and that there are serious difficulties in locating it in a district in which it is permitted as of right and from which it could serve the residential area which make it necessary to locate the use in

the residence district; and

WHEREAS, as the proposal does not involve an electric or gas utility substation or potable water pumping stations, the Board need not make the finding pursuant to ZR § 73-14(b); and

WHEREAS, additionally, pursuant to ZR § 73-03(a),

> The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case, the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit *use* or modification of *use*, parking or *bulk* regulations will be minimized by appropriate conditions governing the location of the site, design and method of operation; and

WHEREAS, the applicant submits that the Enlarged Facility will benefit the surrounding community by providing a more robust wireless network and have no adverse effect on the privacy, quiet, light and air in the neighborhood, specifically, that the facility has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the proposed enlargement is entirely within the envelope of the subject building, specifically, the cellar, and will therefore not increase the height of the building; that the construction and operation of the facility will comply with all applicable laws, including all FCC operational standards, and not cause any harmful interference with the frequencies of any existing radio, television, telephone or other uses in accordance with FCC requirements, rules and procedures; and that there will be no impact on pedestrian or vehicular traffic; and

WHEREAS, in accordance with the foregoing, the Board finds that any adverse effects of the Enlarged Facility will be minimized by appropriate conditions and that, under the conditions and safeguards imposed, any hazards or disadvantages to the community at large of the special permit are outweighed by the advantages to be derived by the community by the grant of a special permit; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-14 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 17-BSA-003M, dated July 21, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-14 and 73-03 to permit, on a site located partially within an R8 zoning district and partially within a C2-8 zoning district, the modification of an existing telecommunications facility in the cellar of an existing building contrary to ZR § 22-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 25, 2016"-- Three (3) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4294-BZ
CEQR #17-BSA-036Q

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Irene O'Brien, lessee.

SUBJECT – Application November 1, 2016 – Application for reconstruction of storm damaged dwelling through the NYC Build It Back program. Proposed dwelling maintains existing non-complying side yard setback but exceeds the original footprint. R-4 zoning district.

PREMISES AFFECTED – 718 Liberty Lane, Block 16350, Lot P/O 300, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R4 zoning district, the reconstruction, development and enlargement of a previously existing single-family home in compliance with floor-resistant construction standards that does not comply with the zoning requirements for side yards pursuant to ZR § 23-461(a); and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of

the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site fronts on Liberty Lane, a paved pedestrian walk, on three sides, in an R4 zoning district, in Queens; and

WHEREAS, the site has frontages along Liberty Lane measuring approximately 42 feet, 75 feet and 36 feet, approximately 3,069 sq. ft. of lot area and was previously occupied by a one-story single-family dwelling; and

WHEREAS, the previously existing dwelling had three front yards measuring approximately 18.2 feet, 10.2 feet and 16.1 feet and one side yard measuring 5.9 feet; and

WHEREAS, the applicant proposes to reconstruct the one-story single-family dwelling, decreasing each of the 18.2 foot wide and 10.2 foot wide front yards to widths of 10 feet, increasing the 16.1 foot wide front yard to 18 feet and maintaining the 5.9 foot wide side yard; and

WHEREAS, pursuant to ZR § 23-461(a), one side yard at least 20 feet wide is required at the subject site; and

WHEREAS, thus, the applicant seeks a special permit to allow the reconstruction, development and enlargement of the proposed building with a side yard width of 5.9 feet; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the configuration of the subject lot—which varies in width from 42 feet wide to less than 36 feet wide and has three front yards in addition to one side yard of a non-complying width—causes a practical difficulty in complying with flood-resistant construction standards without the modification of the side yard requirements and that a waiver of the side yard regulations is the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstructed dwelling extends beyond the footprint of the original structure in the non-complying side yard—that is, the previously existing dwelling had 518 sq. ft. of floor area within the legally required 20 foot wide side yard and the proposed dwelling will have approximately 628 sq. ft. of floor area within the same area, an increase of approximately 21 percent—and that such an increase in non-compliance is mandated by the need to comply with the new FEMA base flood elevation and New York City freeboard requirements, which have, in turn, resulted in a need to install an outdoor lift and provide additional interior clearance and floor area in the reconstructed dwelling; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the finding pursuant to ZR § 64-92(b) is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposal will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the area, the Breezy Point Cooperative, is characterized by single-family dwellings on sites that do not comply with minimum lot size requirements and includes many dwellings with non-compliant or otherwise irregular yards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction

and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA036Q, dated November 1, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R4 zoning district, the reconstruction, development and enlargement of a single-family dwelling, which does not comply with the zoning requirements for side yards, contrary to ZR § 23-461(a); *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received November 1, 2016"—Four (4) sheets; and *on further condition*:

THAT the bulk parameters of the building shall be as follows: one side yard along the northern plot line measuring at least 5.9 feet wide, as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

2016-4300-BZ
CEQR #17-BSA-039Q

APPLICANT – Gary Lenhart, R.A.

SUBJECT – Application November 15, 2016 – Special Permit (§64-92) Application for reconstruction of storm damaged single family home through the NYC Build it Back Program. Proposed dwelling exceeds original footprint and modifies existing non-complying side yard contrary to ZR §23-461(a) and requires relief of front yard contrary to ZR §23-45. R-4 zoning district.

PREMISES AFFECTED – 5 Bedford Avenue, Block 16350, Lot 300. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative: 0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R4 zoning district, the reconstruction, development and enlargement of a single-family home, which does not comply with the zoning requirements for side yards and front yards pursuant to ZR §§ 23-45 and 23-461(a); and

WHEREAS, a public hearing was held on this application on November 15, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the south east corner of Bedford Avenue and Bayside Avenue, in an R4 zoning district, in Queens; and

WHEREAS, the irregularly shaped site has approximately 92 feet of frontage long Bedford Avenue, 26 feet of frontage along Bayside Avenue, 3,021 sq. ft. of lot area and is currently vacant; and

WHEREAS, the site was previously occupied by a one-story residence with at 26 foot front yard fronting

Bayside Avenue, a 5 foot front yard fronting Bedford Avenue, a 3 foot side yard along the eastern plot line and 5 foot side yard along the southern plot line; and

WHEREAS, the applicant proposes to reconstruct and develop an enlarged three-story single-family residence at the site with a 6.5 foot front yard fronting Bedford Avenue, a 3 foot side yard along with eastern plot line and a 10.5 foot side yard along the southern plot line; and

WHEREAS, the applicant proposes to maintain the 26 foot front yard fronting Bayside Avenue; and

WHEREAS, one side yard with a width of at least 20 feet is required at the subject site pursuant to ZR § 23-461(a) and front yards measuring at least 10 feet are required pursuant to ZR § 23-45; and

WHEREAS, thus, the applicant seeks a special permit to allow the reconstruction, development and enlargement of the subject building with a non-complying front yard and side yard; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that configuration of the subject lot, which requires two front yards, and the need to provide a new residence with comparable square footage, bedroom count and unit count as the previous dwelling cause practical difficulties in complying with flood-resistant construction standards without the modification of the side yard and front yard requirements and that the waivers requested are the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant states that the prior residence had a non-complying 5 foot front yard and 5 foot side yard and that, though the proposed 6.5 foot front yard and 10.5 foot side yard remain non-complying, the subject proposal results in a residence with a lesser degree of non-compliance with the underlying zoning regulations; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the finding pursuant to ZR § 64-92(b) is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposal will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the subject site is located in the Breezy Point Cooperative, which is characterized by single-family dwellings on sites that do not comply with minimum lot size requirements and have irregular and/or non-compliant yards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction, development and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA039Q, dated November 9, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R4 zoning district, the reconstruction, development and enlargement of a single-family home, which does not comply with the zoning requirements for side yards and front yards pursuant to ZR §§ 23-45 and 23-461(a); *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received November 9, 2016"—Five (5) sheets and November 14, 2016—One (1) sheet (Plot Plan); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a side yard measuring at least 10.5 feet wide along the southern side plot line and one front yard measuring at

least 6.5 feet wide along the front plot line fronting Bedford Avenue, as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by November 15, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 15, 2016.

174-14-BZ

APPLICANT – Jim Kusi, for Robert Calcano, owner.

SUBJECT – Application July 23, 2014 – Re-instatement (§11-411) of a previously approved variance permitting the operation an Automotive Service Station (UG 16B) with accessory uses which expired November 6, 1994; Waiver of the Rules. C1-4/R7-1 zoning district.

PREMISES AFFECTED – 820 East 182nd Street aka 2165-75 Southern Boulevard, Block 3111, Lot 59, Borough of Bronx.

COMMUNITY BOARD #2BX

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

2016-1217-BZ

APPLICANT – Law Office of Jay Goldstein, for 839-45 Realty LLC, owner.

SUBJECT – Application February 8, 2016 – Variance (§72-21) to allow for the enlargement of an existing two-family home contrary to ZR Sections 23-141(c) (Open Space ("OS")/Open Space Ratio ("OSR")/Lot Coverage ("LC")), 23-45(a) (Front Yard), 23-461(b) (Side Yard), 23-841(Narrow Outer Court) and 25-621(b) (parking). R4 zoning district.

PREMISES AFFECTED – 45 Southgate Court (2344-2354 West 1st Street), Block 7174, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4343-BZ
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2016-4344-BZ
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2016-4345-BZ
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2016-4346-BZ
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2016-4348-A
85-08 57th Avenue, located approximately 275' southwest of the intersection formed by Van Horn Street and 57th Avenue, Block 02882, Lot(s) 1, Borough of **Queens, Community Board: 4**. Proposed construction of a four-story, three family residential building partially within the bed of a mapped street, pursuant to Article 3 of General City Law 35. R6B zoning district. R6B district.

2016-4349-A
85-12 57th Avenue, located approximately 255' southwest of the intersection formed by Van Horn Street and 57th Avenue, Block 02882, Lot(s) 2, Borough of **Queens, Community Board: 4**. Proposed construction of a four-story, three family residential building partially within the bed of a mapped street, pursuant to Article 3 of General City Law 35. R6B zoning district. R6B district.

2016-4350-A
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2016-4351-A
84-71 57th Road, located approximately 235' southwest of the intersection formed by Van Horn Street and 57th Avenue, Block 02882, Lot(s) 24, Borough of **Queens, Community Board: 4**. Proposed construction of a four-story, three family residential building partially within the bed of a mapped street, pursuant to Article 3 of General City Law 35. R6B zoning district. R6B district.

2016-4352-A
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2016-4353-A
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2016-4433-A
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2016-4354-BZ
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2016-4355-A
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2016-4356-A
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2016-4357-A
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2016-4358-A
455 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 210, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4359-A
453 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 211, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4360-A
451 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 212, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4361-A
445 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 213, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4362-A
443 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 214, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4363-A
441 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 215, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4364-A
437 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 216, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4365-A
435 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 217, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4366-A
433 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 218, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2

district.

2016-4367-A
431 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 219, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4368-A
421 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 220, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4369-A
419 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 221, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4370-A
417 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 222, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4371-A
415 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 223, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4372-A
409 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 224, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4373-A
407 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 225, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4374-A
405 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 226, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4375-A
401 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 227, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4376-A
397 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 228, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4377-A
395 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 229, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4378-A
393 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 230, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4379-A
391 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 231, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4380-A
389 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 232, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4381-A
387 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 233, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4382-A
383 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 234, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4383-A
381 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 235, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4384-A
379 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 236, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4385-A
377 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 237, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4386-A
375 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 238, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4387-A
373 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 239, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4388-A
371 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 240, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4389-A
367 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 241, Borough of **Staten Island,**

Community Board: 1. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4390-A
365 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 242, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4391-A
363 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 243, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4392-A
361 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 244, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4393-A
359 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 245, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4394-A
357 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 246, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4395-A
355 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 247, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4396-A
345 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 252, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4397-A
341 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 253, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4398-A
339 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 254, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4399-A
337 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 255, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4400-A
335 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 256, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2

district.

2016-4401-A
333 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 257, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4402-A
331 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 258, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4403-A
327 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 259, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4404-A
325 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 260, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4405-A
323 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 261, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4406-A
321 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 262, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4407-A
319 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 263, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4408-A
317 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 264, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4409-A
315 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 265, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4410-A
307 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 266, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4411-A
305 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 267, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4412-A
303 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 268, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4413-A
301 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 269, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4414-A
229 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 412, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4415-A
231 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 413, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4416-A
233 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 414, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4417-A
235 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 415, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4418-A
237 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 416, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4419-A
239 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 417, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4420-A
241 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 418, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4421-A
245 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 419, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4422-A
247 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 420, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4423-A
249 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 421, Borough of **Staten Island,**

Community Board: 1. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4424-A
251 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 422, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4425-A
253 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 423, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4426-A
255 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 424, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4427-A
257 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 425, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4428-A
261 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 426, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4429-A
263 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 427, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4430-A
265 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 428, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4431-A
267 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 429, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4432-A
269 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 460, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4434-A
275 Avidita Place, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 432, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4435-A
406 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 433, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2

district.

2016-4436-A
402 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 434, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4437-A
400 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 435, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4438-A
398 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 436, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4439-A
396 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 437, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4440-A
394 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 438, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4441-A
392 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 439, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4442-A
388 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 440, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4443-A
386 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 441, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4444-A
384 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 442, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4445-A
382 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 443, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4446-A
380 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 444, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4447-A
378 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 445, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4448-A
376 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 446, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4449-A
372 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 447, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4450-A
370 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 448, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4451-A
368 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 449, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4452-A
366 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 450, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4453-A
364 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 451, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4454-A
362 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 452, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4455-A
360 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 453, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4456-A
356 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 454, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4457-A
354 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 455, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4458-A
352 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 456, Borough of **Staten Island,**

Community Board: 1. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4459-A
350 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 457, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4460-A
348 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 458, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4461-A
346 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 459, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

2016-4462-A
342 Fourberie Lane, located at the northwest corner of the intersection formed by Fingerboard Road and Lincoln Place., Block 03019, Lot(s) 460, Borough of **Staten Island, Community Board: 1**. Proposed construction of a single family residence, not fronting on a legally mapped street, contrary to General City Law 36. R3-2 zoning district. R3-2 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JANUARY 24, 2017, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 24, 2017, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

19-94-BZ
APPLICANT – Andrew Schwarsin, Esq., for Walter R. Schwarsin, owner.
SUBJECT – Application July 13, 2016 – Extension of Term of a previously approved Variance permitting a public parking lot (UG 8) of which a portion of the lot lies in a residential zoning district which expired on July 18, 2015; Waiver of the rules. C4-3/R-5 zoning district.
PREMISES AFFECTED – 37-18 75th Street, Block 1285, Lot 47, Borough of Queens.
COMMUNITY BOARD #3Q

APPEALS CALENDAR

2016-4245-A thru 2016-4248-A
APPLICANT – Law Office of Steven Simicich, for Over Development, LTD, owner.
SUBJECT – Applications September 8, 2016 – Proposed construction of four single family residential buildings not fronting on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district
PREMISES AFFECTED – 4004, 4006, 4008, 4010 Manhattan Avenue, Block 7024, Lot(s) 119, 120, 121, 122, Borough of Brooklyn.
COMMUNITY BOARD #13BK

REGULAR MEETING
JANUARY 24, 2017, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 24, 2017, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

128-15-BZ thru 130-15-BZ
APPLICANT – Law Office of Steven Simicich, for John Massamillo, owner.
SUBJECT – Application May 29, 2015 – Variance (§72-21) to allow for the construction on a three family attached residential building (Use Group 2). R2/SHPD zoning district.
PREMISES AFFECTED – 680, 682 and 684 Van Duzer Street, Block 613, Lot(s) 95, 96 and 97, Borough of Staten Island.
COMMUNITY BOARD #1SI

2016-3-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Seneca Clove Corp., owner.
SUBJECT – Application January 4, 2016 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store (UG 16B). C2-1/R2 zoning district.
PREMISES AFFECTED – 1212 Victory Boulevard, Block 651, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI

2016-4136-BZ & 2016-4137-BZ
APPLICANT – Sheldon Lobel, P.C., for Astoria Warehouse Enterprises, Inc., owner.
SUBJECT – Application March 15, 2016 – Special Permit (§73-44) to allow the reduction of required parking for the use group 4 ambulatory diagnostic treatment healthcare facility. M1-1 zoning district.
PREMISES AFFECTED – 19-59 & 19-61 49th Street, Block 755, Lot(s) 5 and 6; 19-55 & 19-57 49th Street, Block 755, Lot(s) 7 & 8, Borough of Queens.
COMMUNITY BOARD #1Q

2016-4183-BZ
APPLICANT – Stroock & Stroock & Lavan LLP, for East 14th Street Owner LLC, owner.
SUBJECT – Application May 9, 2016 – Variance (§72-21) to permit the construction of a mixed residential and commercial building contrary to ZR §§23-163 (floor area and 35-65 (Height and setback). C1-6A zoning district.
PREMISES AFFECTED – 432-438 East 14th Street a/k/a 435-445 East 13th Street, Block 441, Lot(s) 23 & 32, Borough of Manhattan.
COMMUNITY BOARD #3M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, DECEMBER 6, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, and Commissioner Chanda.
Absent: Commissioner Montanez.

SPECIAL ORDER CALENDAR

548-69-BZ
APPLICANT – Eric Palatnik, P.C., for BP Products North America Inc.
SUBJECT – Application January 15, 2016 – Amendment of a variance which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to expand the existing convenience store and make various changes to the site. C2-3/R6B zoning district.
PREMISES AFFECTED – 107-10 Astoria Boulevard, Block 1694, Lot 1, Borough of Queens.
COMMUNITY BOARD #3Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance, previously granted by the Board permitting the operation of an automotive service station (Use Group 16B), to expand the existing convenience store and make various site changes; and

WHEREAS, a public hearing was held on this application on June 28, 2016, after due notice by publication in *The City Record*, with a continued hearing on August 2, 2016, and then to decision on December 6, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 3, Queens, recommends approval of this application with conditions; and

WHEREAS, the subject site is located on the south side of Astoria Boulevard between 107 Street and 108 Street, within an R6B (C2-3) zoning district, in Queens; and

WHEREAS, the site has approximately 104 feet of frontage along 107 Street, 200 feet of frontage along Astoria Boulevard, 60 feet of frontage along 108 Street, 14,720 square feet of lot area and is occupied by a one-story automotive service station with an accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 25, 1971, when, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the construction and maintenance of an automotive service station with accessory signs, which expired on May 25, 1981; and

WHEREAS, the variance restricted the automotive service station to the pumping of gasoline with neither automotive service nor repair; and

WHEREAS, on May 26, 1981, under the subject calendar number, the Board extended the term of the variance for another term of ten (10) years, expiring May 25, 1991; and

WHEREAS, on March 30, 1982, under BSA Cal. No. 903-81-A, the Board granted an appeal from a decision of the Queens Borough Superintendent and permitted a change to self-service gasoline sales at the premises, with conditions, for a term of 5 years, which expired on March 30, 1987; and

WHEREAS, on March 30, 1982, under the subject calendar number, the Board amended the variance resolution to permit the change to a "self-serve" gasoline station for a term of five years, expiring March 30, 1987, to relocate the gasoline pump islands, construct a steel canopy extending to the office and to alter the accessory building; and

WHEREAS, on July 13, 1982, under the subject calendar number, the Board amended the variance resolution to permit the relocation of gasoline pump islands, omit the previously approved alterations to the existing accessory building, to omit a portion of the steel canopy, and to install a new attendant kiosk on the center gasoline pump island; and

WHEREAS, on July 13, 1982, under BSA Cal. No. 903-81-A, the Board amended its resolution to reflect the requirements adopted by the Board with regards to the variance on the same day ; and

WHEREAS, on July 11, 1990, under the subject calendar number, the Board amended the variance resolution to legalize certain alterations to the site plan, including a change in the size of the canopy, the installation of new islands and the installation of an additional curb cut on Astoria Boulevard; and

WHEREAS, on February 4, 1992, under the subject calendar number, the Board extended the term of the variance for a term of ten (10) years from May 25, 1991, expiring May 25, 2001; and

WHEREAS, on August 12, 2003, under the subject calendar number, the Board amended the variance to legalize the change in use of an accessory building on the premises from storage to a convenience store and to extend the term of the variance for an additional ten (10) years, expiring on May 25, 2011; and

WHEREAS, on January 20, 2013, under the subject calendar number, the Board granted an extension of term for a period of ten (10) years, expiring on May 25, 2021, on condition that landscaping be maintained; and

WHEREAS, the applicant now seeks to amend the resolution to reflect the following changes to the site: an enlargement of the convenience store; the demolition of the existing kiosk and product dispensers and their replacement

with multi-product dispensers on a new concrete island; the installation of a new dumpster enclosure; the striping of five new parking stalls; and the maintenance of two curb cuts on Astoria Boulevard and one curb cut on 108 Street; and

WHEREAS, the applicant represents that the convenience store consists of 449 square feet of floor area, which, after the proposed enlargement of 186 square feet, will total 635 square feet of floor area within a completely enclosed building, in satisfaction of the Department of Buildings Technical Policy and Procedure Notice #10/99 and qualifying the store as a permissible accessory use to the automotive service station; and

WHEREAS, based on the foregoing, the Board finds that the requested amendments to the variance are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 25, 1971, as amended through January 20, 2013, so that as amended this portion of the resolution reads: "to permit the enlargement of the existing convenience store and other alterations to the site plan; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received November 28, 2016'-Six (6) sheets; and *on further condition*:

THAT the site shall be maintained free of litter, debris and graffiti;

THAT landscaping shall be maintained, and replaced as necessary, in accordance with the BSA-approved plans;

THAT the existing temporary shed, currently used for storage, shall be removed following construction of the convenience-store enlargement;

THAT all signage shall comply with C1 district regulations;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within eighteen (18) months;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Department of Buildings/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 6, 2016.

17-92-BZ

APPLICANT – Eric Palatnik, P.C., for E & O Realty, owner.

SUBJECT – Application October 23, 2015 – Extension of Term of a previously approved variance which expired on July 19, 2014; Amendment to permit renovations to the interior and exterior of the building; Waiver of the Rules. R5 zoning district

PREMISES AFFECTED – 60-06/12 Northern Boulevard, Block 1183, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and an amendment to modify the term of a variance, previously granted by the Board, which expired on July 19, 2014; and

WHEREAS, a public hearing was held on this application on September 13, 2016, after due notice by publication in *The City Record*, with a continued hearing on November 15, 2016, and then to decision on December 6, 2016; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Queens, recommends approval of this application on certain conditions, including limited hours of operation, garbage pick-up during weekday daytime hours, a twenty (20) year term, and that the drive-through speaker operate at a decibel level of less than 20 dBA at all times; and

WHEREAS, the subject site is located on the southeast corner of Northern Boulevard and 60th Street, within an R5 zoning district, in Queens; and

WHEREAS, the site has approximately 200 feet of frontage along Northern Boulevard, 100 feet of frontage along 60th Street, 29,997 sq. ft. of lot area and is occupied by a one-story building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 26, 1966, when, under BSA Cal. No. 1194-65-BZ, the Board granted a variance permitting the maintenance of a used car lot on the premises; and

WHEREAS, on July 26, 1994, under the subject calendar number, the Board granted a new variance, pursuant to ZR § 72-21, to permit the construction of an eating and drinking establishment with accessory drive-through facility and parking (Use Group 6) contrary to district use regulations for a term of twenty (20) years, which expired on July 19, 2014; and

WHEREAS, the variance was conditioned, *inter alia*,

on an eight-foot-high fence being provided at the rear lot line of the premises, the hours of operation being limited to 8:00 a.m. to 1:00 a.m., and that garbage pick-up be limited to weekday daytime hours; and

WHEREAS, the previous variance term having expired, the applicant now seeks an additional twenty (20) year term; and

WHEREAS, in addition, the applicant requests a waiver, pursuant to § 1-14.2 of the Board's Rules of Practice and Procedure, of Rule § 1-07.3(b)(2) to permit the filing for an extension of term less than two (2) years after the expiration of the term; and

WHEREAS, the applicant has demonstrated that the use has been continuous since the expiration of term and that substantial prejudice would result without such a waiver; and

WHEREAS, in response to the Board's concern that menu board sound levels reached beyond the property line at a level of approximately 24 dBA, the applicant has installed acoustical fencing to minimize noise disturbance to adjacent properties; and

WHEREAS, the Board finds that a twenty (20) year extension of the term of the variance is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and *reopens* and *amends* the resolution, dated July 26, 1994, so that as amended this portion of the resolution reads: "to grant an extension of the term of the variance for a term of twenty (20) years from the expiration of the last grant, to expire on July 19, 2034; *on condition* that all work and site conditions shall comply with drawings filed with this application marked 'Received December 6, 2016'- Six (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of twenty (20) years, expiring July 19, 2034;

THAT landscaping, street trees and fencing shall be installed and maintained in accordance with BSA-approved plans;

THAT the hours of operation shall be limited to 8:00 a.m. to 1:00 a.m.;

THAT all signage shall be in accordance with BSA approved plans;

THAT garbage pick-up shall be limited to 6:00 a.m. to 10 a.m. on weekdays;

THAT the menu board shall be permanently maintained at a maximum of 18 dBA;

THAT all conditions from the prior resolution not specifically waived by the Board shall remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one (1) year, by December 6, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Department of Buildings/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 6, 2016.

371-01-BZ

APPLICANT – Greenberg Traurig LLP, for 104 Charlton Street Condominium, owner; 537 Greenwich Owner LLC, lessee.

SUBJECT – Application May 19, 2016 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development. M1-6 (IHDA) zoning district.

PREMISES AFFECTED – 104 Charlton Street, Block 7502, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, this is an application to reopen and amend a variance, previously granted by the Board, which permitted residential uses in a seven-story former warehouse building and the construction of an additional story for residential use in an M1-6 zoning district; and

WHEREAS, the purpose of this application is to facilitate the transfer of 12,316 sq. ft. of unused development rights appurtenant to the subject site by the owner of the site to the owner of a development site (tentatively comprised of Block 597, Lots 49 and 46, the "Development Site") to be incorporated into a mixed-use commercial and residential building; and

WHEREAS, a public hearing was held on this application on September 27, 2016, after due notice by publication in *The City Record*, with a continued hearing on December 6, 2016, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the application is brought on behalf of 104 Charlton Street Condominium, which owns the subject site and seeks the Board's authorization to merge the subject site with the Development Site; and

WHEREAS, the subject site is located on the south side of Charlton Street, between Greenwich Street and Hudson Street, within an M1-6 zoning district and the Special Hudson Square District, in Manhattan; and

WHEREAS, the site has approximately 49 feet of frontage along Charlton Street, 5,552 sq. ft. of lot area and is occupied by an eight-story building containing 36,689 sq. ft. of floor area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 14, 2002, when, under the subject calendar number, the Board granted a variance permitting residential use on the second through seventh floors, and a portion of the first floor, of the then-seven-story building and the addition of an eight story, also for residential use, contrary to applicable use regulations; and

WHEREAS, by letter dated May 23, 2014, the Board approved the change in use of a portion of the ground floor of the subject building from a catering facility to a graphic design studio as substantially compliant with the variance; and

WHEREAS, the applicant represents that no changes to the subject building are associated with the proposed merger of the zoning lots and development rights transfer; and

WHEREAS, in addition, the applicant contends that the proposed transfer of development rights is consistent with the New York Court of Appeals' decision in *Bella Vista v. Bennett*, 89 N.Y.2d 565 (1997), setting forth the parameters of Board review of requests for the transfer of development rights from sites for which a variance has been granted; and

WHEREAS, the applicant asserts that the transfer of the unused development rights from the subject site is not in conflict with the Variance; and

WHEREAS, the applicant notes that the Board made all of the findings required pursuant to ZR § 72-21 in the resolution for the previously approved variance and that the value of more than 16,000 sq. ft. of excess development rights were, indeed, considered and accepted by the Board as part of the estimated "as is" value of the site at that time; and

WHEREAS, thus, the applicant states that an amendment to the variance to facilitate the transfer of the unused development rights from the subject site to the Development Site does not undermine the integrity of the Board's earlier findings with regards to ZR §§ 72-21(b) or 72-21(e) because the facts of the instant application are readily distinguishable from those underlying the Court's holding in *Bella Vista*; and

WHEREAS, specifically, the applicant submits that, at the time of the variance, the subject premises were held in separate and unrelated ownership from all other parcels on the subject block and that 14 years have elapsed since the grant of the variance, at which time excess the subject excess development rights were considered; and

WHEREAS, the Board notes that *Bella Vista* concerned a permit request for a new as-of-right residential building proposed to be built through the transfer of development rights—from a site in which the Board granted a use variance to permit the operation of a movie theater in a residential zoning district, to a separate adjacent site under common ownership—for the development of a complying residential building; and

WHEREAS, the Court held that review and approval of such transfers by the Board was required, *inter alia*, because the basis for the original grant, particularly with respect to the findings of financial hardship under ZR § 72-21(b) and minimum variance needed to provide relief under ZR § 72-21(e), may be implicated by the proposed transfer; and

WHEREAS, the Board credits the applicant's assertions that, unlike in *Bella Vista*, the subject site and Development Site have been under separate, unrelated ownership since the 2002 variance grant and that, therefore, the applicant lacked control over the timing and nature of the development of the Development Site; and

WHEREAS, the Board also notes that a brief period of time elapsed between the issuance of the variance underlying the *Bella Vista* decision and the date of the permit application in which the owner proposed to use floor area transferred from the variance site, further distinguishing that case from the instant application; and

WHEREAS, the Board acknowledges that in *Bella Vista*, the permit application proposing to use floor area transferred from the variance site was filed only three years after the Board grant, whereas the subject variance was issued 14 years ago; and

WHEREAS, finally, the Board notes that the value of more than 16,000 sq. ft. of excess development rights at the site was considered as part of the Board's findings in its 2002 grant of the subject variance and that a transfer of unused development rights from the site, as herein proposed, was foreseeable; and

WHEREAS, therefore, the Board finds that the instant application is distinguished from *Bella Vista* and that the proposed transfer of development rights does not implicate or affect the basis of its findings pursuant to ZR § 72-21, specifically the (b) and (e) findings, at the time that they were made; and

WHEREAS, based upon its review of the record, the Board does not object to the transfer of unused development rights from the subject site to the Development Site or the proposed zoning lot merger, but notes that any further changes to the subject site that are inconsistent with prior approvals are subject to the Board's review and approval.

Therefore, it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, having been adopted on May 14, 2002, so that as amended this portion of the resolution shall read: "to permit the merger of the subject site with contiguous parcels on Block 597, in Manhattan, and the associated modifications to the BSA-approved site plan; and *on condition*:

THAT the zoning calculations, including any transfer of development rights, shall be subject to DOB's review and approval and shall be in full compliance with underlying bulk regulations;

THAT the site shall remain subject to the Board's jurisdiction, including modifications to the buildings on the site;

THAT all conditions from the prior resolution not specifically waived by the Board shall remain in effect; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 6, 2016.

144-03-BZ

APPLICANT – Akerman, LLP, for SKC Auburndale Property, LLC, owner.

SUBJECT – Application May 9, 2016 – Amendment of a previously approved Variance (§72-21) which permitted a bank (UG 6C) with two dwelling units (UG 2). The amendment seeks to change the use from bank (UG 6C) to general retail use (UG 6). R3-2/R3X zoning district.

PREMISES AFFECTED – 188-16 Northern Boulevard, Block 5512, Lot 38, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, this is an application to amend a variance, previously granted by the Board pursuant to ZR § 72-21, and permit a change in use; and

WHEREAS, a public hearing was held on this application on December 6, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 11, Queens, and the Auburndale Improvement Association recommend approval of this application on condition that no 24-hour businesses be permitted and that all businesses close at 11 p.m.; and

WHEREAS, the subject site is located on the southwest corner of the intersection of Northern Boulevard and 189th Street, partially within an R3-2 zoning district ad partially within an R3X zoning district, in Queens; and

WHEREAS, the site has approximately 80 feet of frontage along Northern Boulevard, 105 feet of frontage along 189th Street, 8,613 sq. ft. of lot area and is occupied by a two-story, plus cellar, mixed-use residential and commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 24, 1977, when, under BSA Cal. No. 14-77-A, the Board sustained the Department of Building's ("DOB") revocation of a Certificate of Occupancy for a non-conforming use at the premises that had not been discontinued, as required, within three (3) years of the enactment of the 1961 Zoning Resolution; and

WHEREAS, on September 26, 1978, under BSA Cal. No. 14-77-A, under Court order to reconsider its decision, the Board sustained its prior decision to revoke the Certificate of Occupancy upon finding that revocation would not cause serious financial harm or damage to the property owner; and

WHEREAS, on August 1, 1995, under BSA Cal. No. 195-94-BZ, the Board granted a variance, pursuant to ZR § 72-21, permitting the construction of a one-story retail building (Use Group 6) at the premises with accessory parking, contrary to applicable use regulations, for a term of twenty (20) years, expiring August 1, 2015; and

WHEREAS, on November 9, 1999, under BSA Cal. No. 195-94-BZ, the Board granted an application for an extension of time to complete construction in connection with the 1995 variance, expiring August 1, 2001; and

WHEREAS, the one-story retail building permitted under BSA Cal. No. 195-94-BZ was never constructed and on October 28, 2003, under the subject calendar number, the Board granted a new variance to permit the construction of a two-story building with accessory storage in the cellar, four retail stores (Use Group 6) on the first floor and two residential units (Use Group 2) on the second floor and open accessory parking; and

WHEREAS, on March 1, 2005, under the subject calendar number, the Board amended the variance to permit a change in the use of the cellar level and first floor from four retail stores to one bank (Use Group 6) and changes to the façade and partitions of the residential units on the second floor; and

WHEREAS, the applicant now seeks an amendment of the variance to expand the use of the cellar and first floor to general Use Group 6 uses; and

WHEREAS, the applicant submits that the requested amendment would provide much needed flexibility and enable the applicant to lease the first floor and cellar level space to a wider range of retail tenants—including eating and drinking establishments, general offices, and local retailers; and

WHEREAS, the applicant states that it has had difficulty in finding a new bank tenant for the space, consistent with the 2005 variance amendment, since the prior retail bank vacated the site in approximately June 2015; and

WHEREAS, finally, the applicant submits that the subject site is surrounded by other commercial uses along Northern Boulevard and that permitting general Use Group 6 uses at the premises would not adversely affect the surrounding neighborhood; and

WHEREAS, based on the foregoing, the Board has determined that the request to amend the uses permitted on the first floor and cellar level of the subject building to include all Use Group 6 uses is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated October 28, 2003, as amended through March 1, 2005, so that as amended this portion of the resolution shall read: "to permit a change in use on the first floor and cellar level from a bank (Use Group 6) to general Use Group 6 use; *on condition* that all work shall substantially conform to drawings as filed with this application, marked "Received December 6, 2016"—Nine (9) sheets; and *on further condition*:

THAT the commercial uses at the site shall not be 24-

hour businesses and shall close by 11:00 p.m.;

THAT all signage shall comply with C1 regulations;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT commercial refuse shall be collected after 8 a.m.;

THAT all commercial deliveries shall be limited to Northern Boulevard;

THAT fencing and landscaping indicated on the BSA-approved plans shall be maintained and replaced as necessary;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 6, 2016.

94-58-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for Alliance Energy LLC, owner; Nor-East S/S/ Inc., lessee.

SUBJECT – Application November 19, 2015 – Extension of Term (11-411) to permit the continued use of a previously approved Automotive Service Station (UG 16B) which expired on September 30, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 25-65 Brooklyn Queens Expressway, Block 1046, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for decision, hearing closed.

1122-81-BZ

APPLICANT – Eric Palatnik, P.C., for NCBP East Elmhurst LLC, owner.

SUBJECT – Application November 3, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story enlargement of a then existing metal supply establishment (UG 17) increasing the degree of non-conformity, which expired on November 9, 2012; Waiver of the Rules. R3-2 zoning district.

PREMISES AFFECTED – 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 01692, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for adjourned hearing.

129-97-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.

SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for adjourned hearing.

169-98-BZ

APPLICANT – Robert J. Stahl for Herbert D. Freeman, Albany Crescent Holding, LLC, owner.

SUBJECT – Application April 10, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) which expired on July 20, 2009; Amendment (§11-413) to permit a change of use to Automotive Repair Facility (UG 16B); Waiver of the Rules. C2-3/R6 zoning district.

PREMISES AFFECTED – 3141 Bailey Avenue, Block 3267, Lot 38, Borough of Bronx.

COMMUNITY BOARD #8BX

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for adjourned hearing.

80-05-BZ
APPLICANT –Aura Wellness Spa Corp., for Erol Devli, owner; Rockford Chun, lessee.
SUBJECT – Application December 15, 2015 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (Aura Wellness Spa Corp.) which expired on November 15, 2015. C6-6 and C6-4.5 zoning district.
PREMISES AFFECTED – 49 West 33rd Street, Block 835, Lot 9, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for adjourned hearing.

320-05-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for The Peterfield Condominium, owner; Crunch LLC, lessee.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a physical cultural establishment (Crunch) which expired on May 16, 2016. C6-2A zoning district.
PREMISES AFFECTED – 113 4th Avenue, Block 558, Lot 7502, Borough of Manhattan.
COMMUNITY BOARD #3M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for decision, hearing closed.

72-06-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for VNO One Park LLC, owner; Equinox One Park Avenue, Inc., lessee.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment (Equinox) within an existing commercial building which expires on September 19, 2016. C5-3/C6-1 zoning district.
PREMISES AFFECTED – 1 Park Avenue, Block 888, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #5M
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

167-15-A
APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Francesco Veltri, owner.
SUBJECT – Application July 28, 2015 – Application filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") requesting to vary MDL 171(2)(a) to permit a partial one story vertical enlargement of an existing building. R10A zoning district.
PREMISES AFFECTED – 137 West 86th Street, north side of West 86th between Columbus and Amsterdam Avenues, Block 1217, Lot 17, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated November 21, 2016, acting on Department of Buildings ("DOB") Application No. 122416420 reads, in pertinent part:

> Proposed increase in stories bulk and/or height not allowed for heretofore converted dwelling (HCA) contrary to MDL 171(2)(a) and MDL 171(2)(f); and

WHEREAS, this is an application pursuant to Multiple Dwelling Law ("MDL") § 310, to vary height and bulk requirements in order to allow for the proposed partial one-story vertical enlargement of the subject four-story, basement and cellar multiple dwelling, contrary to MDL §§ 171(2)(a) and 171(2)(f); and

WHEREAS, a public hearing was held on this application on May 17, 2016, after due notice by publication in *The City Record*, with a continued hearing on July 12, 2016, and then to decision on August 23, 2016; and

WHEREAS, the record was re-opened on December 6, 2016, to accept a revised objection from DOB, closed and voted again on the same date; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the subject site and neighborhood; and

WHEREAS, the subject site is located on the north side of West 86th Street, between Amsterdam Avenue and Columbus Avenue, within an R10 zoning district within the Upper West Side/Central Park West Historic District; and

WHEREAS, the site has 23 feet of frontage along West 86th Street, a depth of approximately 100 feet, and a lot area of 2,316 sq. ft.; and

WHEREAS, the site is occupied by a four-story with basement and cellar multiple dwelling; and

WHEREAS, the applicant states that the existing building was constructed c. 1900 and contains 14 residential

apartments (three apartments on the basement level, first floor, second floor, and third floor, and two apartments on the fourth floor); and

WHEREAS, the existing building has a floor area of approximately 8,445 sq. ft. (3.65 FAR) and a height of approximately 60'-3"; the applicant notes that the permitted FAR for a residential building in the subject R10 zoning district is 10.0, and notes further that as-built, the existing building contains 14,707 sq. ft. of unused development rights; and

WHEREAS, the applicant states that the building has a pre-existing rear yard enlargement which was constructed c. 1939; and

WHEREAS, the applicant proposes to enlarge the building by constructing a partial fifth floor containing an additional 851 sq. ft. of floor area; the applicant proposes to use the front portion of the proposed fifth floor as the upper floor of an existing unit (which will be converted into a duplex); the applicant proposes to use the remaining portion of the proposed fifth floor to create a separate one bedroom unit; thus, the applicant states; and

WHEREAS, thus, the applicant states that the proposed enlargement will (1) increase the total number of dwelling units in the building from 14 to 15; (2) increase the floor area of the subject building from 8,445 sq. ft. (3.65 FAR) to 9,296 sq. ft. (4.01 FAR); and (3) increase the height of the building from 60'-3" to 68'-7" (an increase of 8'-4"); and

WHEREAS, the applicant notes that the proposed fifth-floor enlargement will be set back 15'-0" from the building's front façade, so as not to be visible from the street, and also notes that the base height of the proposed building is compliant with the underlying zoning district regulations, which allow a maximum base height of 150'-0"; and

WHEREAS, the applicant notes that the proposed enlargement is fully compliant with the zoning district regulations applicable to the subject site, but that it does not comply with MDL§ 171(2)(a), which states that it is unlawful to "increase the height or number of stories of any converted dwelling or to increase the height or number of stories of any building in converting it to a multiple dwelling"; and

WHEREAS, because any increase in height or number stories of a converted multiple dwelling is prohibited, and the proposed increase of the existing building is from four stories to five stories and from 60'-3" to 68'-7" , the Department of Buildings ("DOB") has determined that the proposal does not comply with the requirements of MDL § 171(2)(a); and

WHEREAS, MDL § 171(2)(f) states that it is unlawful to "enlarge or extend any converted dwelling so as to exceed by more than twenty-five per centum the area which such dwelling had on any floor at the time of its conversion . . . "; and

WHEREAS, because the proposed 851 sq. ft. enlargement on the fifth floor exceeds 25 percent of the area on the fourth floor, DOB determined that the proposal does not comply with the requirements of MDL § 171(2)(f); and

WHEREAS, pursuant to MDL § 310(2)(a), the Board has the authority to vary or modify certain provisions of the MDL for multiple dwellings that existed on July 1, 1948, provided that the Board determines that strict compliance with such provisions would cause practical difficulties or unnecessary hardships, and that the spirit and intent of the MDL are maintained, public health, safety and welfare are preserved, and substantial justice is done; and

WHEREAS, as noted above, the subject building was constructed in approximately 1900; therefore, the building is subject to MDL § 310(2)(a); and

WHEREAS, specifically, MDL § 310(2)(a) empowers the Board to vary or modify provisions or requirements related to: (1) height and bulk; (2) required open spaces; (3) minimum dimensions of yards or courts; (4) means of egress; and (5) basements and cellars in tenements converted to dwellings; and

WHEREAS, the Board notes that MDL §§ 171(2)(a) and 171(2)(f) relate to height and bulk; therefore the Board has the power to vary or modify the subject provisions pursuant to MDL § 310(2)(a)(1); and

WHEREAS, the applicant represents that practical difficulty and unnecessary hardship would result from strict compliance with the MDL; and

WHEREAS, the applicant states that MDL §§ 171(2)(a) and 171(2)(f) prohibit a vertical enlargement of the subject building and that the fourth floor of the building cannot practicably be enlarged horizontally to make up for this deficit because the existing building is located within an historic district and the LPC will not approve a horizontal expansion; and

WHEREAS, the applicant represents that because a vertical enlargement is not permitted and a horizontal enlargement is impracticable, the MDL restrictions create a practical difficulty and an unnecessary hardship in that they prevent the site from utilizing the development potential afforded by the subject zoning district; and

WHEREAS, in particular, the applicant notes that the subject district permits an FAR of 10.0, and the proposed enlargement would increase the FAR of the building from 3.65 to 4.01; and

WHEREAS, based on the above, the Board agrees that there is a practical difficulty and an unnecessary hardship in complying with the requirements of the MDL; and

WHEREAS, the applicant states that the requested variance of MDL §§ 171(2)(a) and 171(2)(f) is consistent with the spirit and intent of the MDL, and will preserve public health, safety and welfare, and substantial justice; and

WHEREAS, specifically, the applicant states that the proposal includes numerous fire safety improvements to mitigate the existing fire infirmities inherent in the subject building; and

WHEREAS, the applicant notes that MDL § 2 ("Legislative Finding") provides that the intent of the law is to protect against dangers such as "overcrowding of multiple dwelling rooms, inadequate provision for light and air, and insufficient protection against the defective provision for escape from fire . . ."; and

WHEREAS, the applicant represents that the proposed construction is modest in size, set back from the front façade of the subject building, and in no way diminishes access to light or air; the applicant further represents that the increase in the unit count of the subject building is minimal (one unit) and

below that which is permitted in the subject zoning district; and

WHEREAS, the applicant states that the proposed enlargement will have no impact on the sanitary conditions of the subject building; and

WHEREAS, the applicant states that the proposed enlargement will not impact existing provisions for the escape from fire and will, to the contrary, improve fire safety at the subject site;

WHEREAS, specifically, the applicant proposes to provide the following fire safety improvements: (1) the applicant shall fully sprinkler all common areas and shall replace all existing sprinklers; (2) the applicant shall clad all existing wooden staircases with non-combustible material and shall add gypsum board to the underside of each staircase; (3) the applicant shall upgrade the fire rating of existing public halls to 2-hour fire-rated wall construction; (4) the applicant shall add two (2) layers of 5/8" gypsum board to the cellar ceiling; (5) the applicant shall install fire proof self-closing doors at all apartment entrances; (6) the applicant shall install hardwired smoke/carbon monoxide detectors in all apartments; (7) the applicant shall construct the proposed fifth floor addition of fireproof construction; (8) the applicant shall fill the space between the roof of the existing building and the proposed fifth floor extension with non-combustible material; and

WHEREAS, the applicant states that the second floor of the subject building contains decorative wood panels and wood balusters and handrails, which the applicant need not remove in order to achieve the proposed fire rating; and

WHEREAS, the applicant states that the material of the stair coverings on the treads and risers will be marble; and

WHEREAS, the applicant represents that the proposed fire safety measures will result in a substantial increase to the public health, safety, and welfare, which far outweighs any impact from the proposed enlargement; and

WHEREAS, based on the above, the Board finds that the proposed variance to the height and bulk requirements of MDL §§ 171(2)(a) and 171(2)(f) will maintain the spirit and intent of the MDL, preserve public health, safety and welfare, and ensure that substantial justice is done; and

WHEREAS, the applicant represents that the proposal will not affect the historical character of the site; and

WHEREAS, the applicant submitted a Certificate of No Effect, dated March 1, 2016, issued by the New York City Landmarks Preservation Commission and expiring March 1, 2020, which states that the subject proposal will have no effect on significant protected features of the building; and

WHEREAS, accordingly, the Board finds that the applicant has submitted adequate evidence in support of the findings required to be made under MDL § 310(2)(a) and that the requested variance of the height and bulk requirements of MDL §§ 171(2)(a) and 171(2)(f) is appropriate, with certain conditions set forth below.

Therefore it is Resolved, that the decision of the Manhattan Borough Commissioner, dated November 21, 2016, is modified and that the requested waivers are granted, limited to the decision noted above; *on condition* that construction will substantially conform to the plans filed with the application marked, "Received August 19, 2016"- Eleven (11) sheets; and *on further condition*:

THAT the bulk parameters of the building will be as follows: 9,296 sq. ft. (4.01 FAR); 15 dwelling units; and a maximum building height of 68'-7", as reflected in the BSA-approved plans;

THAT the dimensions of the proposed dwelling units will be subject to DOB review;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB objections related to the MDL;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT the DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

2016-4212-A thru 2016-4214-A

APPLICANT – Law Office of Steven Simicich, for Victory Parish LLC & 4065 Victory Boulevard, LLC, owner.

SUBJECT – Application June 7, 2016 – Proposed construction of a mixed use commercial and residential building not fronting on a legally mapped street, contrary to General City Law 36. C1-2/R3A zoning district.

PREMISES AFFECTED – 4069, 4073, 4077 Victory Boulevard, Block 2771, Lots 4, 5, 6, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner of the Department of Buildings ("DOB") dated May 17, 2016, acting on DOB Application Nos. 520268166, 520268157 and 520268148, read in pertinent part:

> The street giving access to the proposed building is not duly placed on the official map of the City of New York therefore:
>
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
>
> B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to Section 501.3.1 of the 2014 NYC Building Code; and

WHEREAS, this is an application to allow the construction of 3 three-story, mixed-use commercial and residential buildings that do not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on September 27, 2016, after due notice by publication in *The City Record*, and then to decision on December 6, 2016; and

WHEREAS, Commissioner Montanez performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Staten Island, recommends approval of the subject application; and

WHEREAS, the subject lots are located on the northern side of Victory Boulevard, between Wild Avenue and Parish Avenue, in an R3A (C1-2) zoning district, on Staten Island; and

WHEREAS, the applicant represents that Tax Lots 4, 5 and 6 currently exist on the tax map of the City of New York and that the development site will include two zoning lots: one zoning lot that consists of Tax Lots 1 and 4 ("Zoning Lot 1") and another that consists of Tax Lots 5 and 6 ("Zoning Lot 2"); and

WHEREAS, the applicant represents that Tax Lot 1 is not part of this application because of its frontage on Parish Avenue, a legally mapped street, and that Zoning Lot 1 has 6,600 square feet of lot area, and Zoning Lot 2 has 5,900 square feet of lot area; and

WHEREAS, the applicant proposes to develop each of the tax lots with a three-story mixed-use building (resulting in two buildings on each of Zoning Lot 1 and Zoning Lot 2); and

WHEREAS, the applicant represents that the buildings will comply with all zoning requirements applicable in the zoning district and seeks the subject relief because the proposed buildings on Tax Lots 4, 5 and 6 will front Victory Boulevard, which is not duly placed on the official map of the City of New York; and

WHEREAS, the applicant represents that Victory Boulevard is paved and improved and that Victory Boulevard is a major thoroughfare in the area and, at the subject premises, is paved and improved to a width of 34 feet; and

WHEREAS, the applicant represents that the proposed building on Tax Lot 6 will be accessed by an eight-foot curb cut on Victory Boulevard; that the proposed buildings on Tax Lots 4 and 5 will be accessed by a 17-foot curb cut on Victory Boulevard; and that additional access will be provided by a ten-foot curb cut on Parish Avenue; and

WHEREAS, the applicant states that the buildings meet fire-safety requirements and that no private fire hydrants are required, pursuant to Fire Code § 508.5.1, because the buildings will be located within 250 feet of two hydrants on a public street and that the buildings need not be sprinklered, pursuant to Fire Code § 503.3.2, because Victory Boulevard has an unobstructed width of 34-feet; and

WHERAS, by letter dated August 11, 2016, the Fire Department states that it has no objection to the proposal; and

WHEREAS, the applicant represents that the site will comply with requirements for street trees pursuant to Z.R. § 26-41 by providing trees offsite because, as directed by the New York City Department of Parks and Recreation guidance regarding minimum distances and other conditions, it is not feasible to locate required street trees on-site; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decisions of the DOB dated May 17, 2016, acting on DOB Application Nos. 520268166, 520268157 and 520268148, are modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received November 15, 2016"-One (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the Builders Pavement Plan, showing street improvements that include roadway, sidewalk, signage and street lighting, shall be drawn up and shall be constructed subject to Department of Transportation review and approval;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

108-15-A thru 110-15-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Glebe Partners LLC, owners.

SUBJECT – Application May 13, 2015 – Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings commenced under prior zoning district regulations. R6A zoning district.

PREMISES AFFECTED – 2317, 2319, 2321 Glebe Avenue, Block 3971, Lot(s) 167, 166, 165, Borough of Bronx.

COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for adjourned hearing.

ZONING CALENDAR

8-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.

SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family

home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.
PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R, Block 6804, Lot 41, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 17, 2014, acting on Department of Buildings ("DOB") Application No. 320832863, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required;
3. Proposed plans are contrary to ZR 23-141 in that the lot coverage exceeds the maximum permitted;
4. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required;
5. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formally found in ZR § 23-141(b), setting forth the maximum floor area ratio, open space and lot coverage permitted in an R3-2 zoning district, is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141(b) in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R3-2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, rear yards and side yards, contrary to ZR §§ 23-141, 23-461 and 23-37; and

WHEREAS, a public hearing was held on this application on September 9, 2014, after due notice by publication in *The City Record*, with continued hearings on October 28, 2014, December 9, 2014, April 28, 2015, and November 15, 2016, and then to decision on December 6, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the owner of an adjoining lot provided testimony in opposition to this application citing concerns regarding parking, neighborhood character and a dispute regarding the developable area on the subject site and, during the pendency of this application, commenced an action against the owner of the subject site in New York Supreme Court, Kings County (*Krinsky v. Saitskiy*, Index No. 3529/2014), to quiet title to a disputed portion of the subject site and enjoin construction (the "Supreme Court Action"); and

WHEREAS, this application was removed from the Board's calendar pending resolution of the Supreme Court Action and a determination of the proper boundaries and size of the subject site; and

WHEREAS, the Supreme Court Action was settled pursuant to a Stipulation of Settlement, filed with the Kings County Clerk on April 26, 2016, whereby the parties agreed that title of a 40'-0" long by 1'-0" wide portion of the subject site was to be transferred, by quitclaim deed, to the owner of the adjoining lot, thereby reducing the size of the subject site and, contingent upon the transfer of title, the owner of the adjoining lot agreed to withdraw, with prejudice, administrative objections to the subject proposal regarding developable dimensions, neighborhood character and light and air; and

WHEREAS, the subject site is located on the west side of East 22nd Street, between Quentin Road and Avenue R, in an R3-2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 39 feet of frontage along East 22nd Street, a depth of 100 feet, and 3,960 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story single-family residence with 1,519 sq. ft. of floor area, a floor area ratio ("FAR") of 0.38, 79 percent open space, 21 percent lot coverage, side yards measuring 3'-11" and 14'-1" and a 43'-8" rear yard; and

WHEREAS, ZR § 73-622 provides that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and
>
> (c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE of PERMIT) and paragraph (f) of Section 73-03 (General

Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the residence from 1,519 sq. ft. to 3,933 sq. ft., increase the FAR from 0.38 to 0.99, decrease the open space from 79 percent to 55 percent, increase the lot coverage from 21 percent to 45 percent, maintain the 3'-11" side yard and decrease the 14'-1" side yard to 9'-1", and reduce the 43'-8" rear yard to 22'-3"; and

WHEREAS, the enlargement as currently proposed is a modification of the applicant's original proposal, which requested an increase in floor area to 4,106 sq. ft. (1.01 FAR), a decrease to 52 percent open space, an increase in lot coverage to 48 percent, side yards measuring 3'-11" and 8 feet and a 20 foot rear yard; and

WHEREAS, at the subject premises, a maximum of 1,980 sq. ft. of floor area (0.5 FAR) is permitted, pursuant to ZR § 23-142; a minimum of 65 percent open space and maximum of 35 percent lot coverage is permitted pursuant to ZR § 23-142, two side yards with a combined width of at least 13 feet, with a minimum of 5 feet required for any single side yard, is required pursuant to ZR § 23-461(a), and a rear yard of at least 30 feet is required pursuant to ZR § 23-47; and

WHEREAS, the applicant represents that the enlargement as currently proposed is consistent with the character of the neighborhood; and

WHEREAS, the applicant surveyed properties surrounding the subject site and identified 5 single- or two-family residences with an FAR ranging from 1.00 to 1.50; and

WHEREAS, the applicant also provided a rear yard diagram of the subject block, demonstrating that of the 45 other single- or two-family residences located thereon, 12 residences (27 percent) have rear yards measuring less than 30 feet deep, ranging from approximately 17 feet to 29 feet deep; and

WHEREAS, additionally, in response to Board concerns regarding the apparent massing of the proposed enlargement, the applicant revised the proposal with modifications including the removal of dormers, a reduction of the slope of the front of the roof, a reduction in the height of the rear parapet and the removal of a proposed trellis and rear terrace;

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-2 zoning district, the proposed enlargement of a

single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, side yards and rear yards, contrary to ZR §§ 23-142, 23-461 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 30, 2016"-Sixteen (16) sheets, and "December 6, 2016"-One (1) sheet ; and *on further condition*:

THAT the following shall be the bulk parameters of the building: maximum floor area of 3,933 sq. ft. (0.99 FAR), a minimum of 55 percent open space, a maximum of 45 percent lot coverage, side yards with minimum widths of 3'-11" and 9'-1" and a rear yard of at least 22'-3", as illustrated on the BSA-approved plans;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the special relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

11-15-BZ

APPLICANT – Eric Palatnik, P.C., for Alexander Pinkusovich, owner.

SUBJECT – Application January 16, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seek to waive the floor area, lot coverage, rear yard and open space requirements. R3-1 zoning district.

PREMISES AFFECTED – 155 Dover Street, Block 08736, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 17, 2014, acting on Department of Buildings ("DOB") Application No. 320987269, reads in pertinent part:

1. Proposed Floor Area Ratio is contrary to ZR 23-141(b);
2. Proposed Open Space is contrary to ZR 23-141(b);
3. Proposed Lot Coverage is contrary to ZR 23-141(b);
4. Proposed Rear Yard is contrary to ZR 23-47; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formally found in ZR § 23-141(b), setting forth the maximum floor area ratio, open space and lot coverage permitted in an R3-1 zoning district, is now found at ZR § 23-142; thus, the Board treats the citation to ZR § 23-141(b) in DOB's objection as a citation to ZR § 23-142; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, and rear yards, contrary to ZR §§ 23-142 and 23-47; and

WHEREAS, a public hearing was held on this application on February 23, 2016, after due notice by publication in *The City Record*, with continued hearings on April 12, 2016, May 24, 2016, July 12, 2016, August 23, 2016, and November 15, 2016, and then to decision on December 6, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, certain neighbors provided testimony in opposition to this application (the "Opposition") citing concerns regarding the proposal's compliance with the flood

regulations contained in Appendix G of the 2014 New York City Building Code ("Appendix G"), that the proposal constituted a new building rather than an enlargement and that the proposed increase in lot coverage would increase the risk of flooding in the surrounding; and

WHEREAS, the subject site is located on the west side of Dover Street, between Hampton Avenue and Oriental Boulevard, in an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 60 feet of frontage, depth of 100 feet and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, plus attic and cellar, single-family residence with 3,554 sq. ft. of floor area, a floor area ratio ("FAR") of 0.59, 28 percent lot coverage, 72 percent open space and a 37'-2" rear yard; and

WHEREAS, the site is also located in Zone AE, an area of special flood hazard, on FEMA's Preliminary Flood Insurance Rate Map ("FIRM") and, accordingly, the Board considered the whether the proposal was required to comply with Appendix G; and

WHEREAS, the applicant suggested that the proposal need not comply with Appendix G because it was not a "substantial improvement" and, in support of that contention, submitted a calculation, performed consistent with 1 RCNY § 3606-01(f), demonstrating that the construction costs for the proposal would not equal or exceed 50 percent of the market value of the structure; and

WHEREAS, the applicant was, nonetheless, referred to DOB's Technical Affairs and Code Development Unit for further information regarding the need for the subject proposal to comply with Appendix G; and

WHEREAS, the applicant was advised that compliance with Appendix G was required because the proposal involved the horizontal enlargement of pre-FIRM construction and, as a result, revised the plans and raised the entire residence to an elevation above 13'-0" (NAVD) in compliance with Appendix G § 304.1.1(1), which requires the elevation of the lowest floor of a residential building to be at or above the design floor elevation ("DFE"); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and

(c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE of PERMIT) and paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject

application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the residence from 3,554 sq. ft. to 5,622 sq. ft. (0.94 FAR), decrease the open space from 72 percent to 58 percent, increase the lot coverage from 28 percent to 42 percent and reduce the existing rear yard from 37'-2" to 24'-0"; and

WHEREAS, the applicant originally proposed to increase the floor area to 5,827 sq. ft. (0.97 FAR) and increase the lot coverage to 43 percent, but modified the proposed enlargement in response to the Board's concerns about its massing in the context of the existing neighborhood; and

WHEREAS, at the subject premises, the maximum FAR permitted is 0.60 (3,600 sq. ft. of floor area) pursuant to ZR § 23-142(a), which permits an increase of the otherwise 0.50 maximum FAR by up to 20 percent, provided that such increase is located directly under a sloping roof which rises at least 3.5 inches in vertical distance for each foot of horizontal distance and the structural headroom of such floor area is between five and eight feet; the maximum lot coverage is 35 percent and a minimum open space requirement is 65 percent pursuant to ZR § 23-142; and a rear yard of at least 30'-0" is required pursuant to ZR § 23-47; and

WHEREAS, the applicant represents that the proposed enlargement is consistent with the character of the neighborhood; and

WHEREAS, the applicant surveyed properties within 400 feet of the subject site and, of the 77 properties in the survey area occupied by single- or two-family residences, 19 (25 percent) have an FAR of 0.75 or greater and of those, 5 (6 percent), including a residence adjacent to the subject site, have an FAR or 1.0 or greater; the lot coverage for these 77 residences ranges from 12 percent to 48 percent and the open space ranges from 52 percent to 78 percent; and, among residences on the same social block as the subject site, rear yard depths range from 6 feet to 40 feet and more than half have rear yards with depths measuring less than 30 feet; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, lot coverage, and rear yards, contrary to ZR §§ 23-142 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 22, 2016"- Seventeen (17) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: maximum floor area of 5,622 sq. ft. (0.94 FAR), minimum open space of 58 percent, maximum lot coverage of 42 percent and minimum rear yard of 24'-0", as illustrated on the BSA-approved plans;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT removal of more than the total existing floor area, as illustrated on the BSA-approved plans, will void the special permit; THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the special relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

94-15-BZ

APPLICANT – Issa Khorasanchi, for Gregory Tulston, owner; Aldivent, Inc., lessee.

SUBJECT – Application April 28, 2015 – Special Permit (§73-36) to allow the construction of LA Fitness (*UFC Gym*) on the first floor of this commercial building. C8-1 zoning district.

PREMISES AFFECTED – 16 Brighton 11th Street, Block 8707, Lot 375, Borough of Brooklyn.

COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated April 16, 2015, acting on Department of Buildings ("DOB") Application No. 320475062, reads in pertinent part:

> "The proposed physical culture establishment in C8 zoning district is not a use permitted as of right per ZR32-10 and requires a special permit as per ZR32-31 and ZR73-36 from the Board of Standards and Appeals"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to legalize, on a site located in an C8-1 zoning district, the operation of a physical culture establishment (PCE) on a portion of the first floor of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this

application on August 2, 2016, after due notice by publication in *The City Record*, with a continued hearing on September 27, 2016, and then to decision on December 6, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the west side of Brighton 11 Street, between Cass Place and Ocean View Avenue, in an C8-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 320 feet of frontage along the west side of Brighton 11 Street, 100 feet of depth, 3,200 sq. ft. of lot area, and is occupied by a two-story commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and

(2) that such *use* contains:

(i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or

(ii) a swimming pool of a minimum 1,500 square feet; or

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE occupies 5,000 square feet of floor area on the first floor of the building; and

WHEREAS, the PCE has been in operation as UFC Gym since June 2013; and

WHEREAS, the applicant represents the first floor contains a vestibule, reception area, punching bag area, training ring, stretch area, a weight area featuring free-weight lifting and equipment, a shower room and two restrooms; and

WHEREAS, the PCE's hours of operation are Monday through Thursday, 8:00 a.m. to 9:00 p.m., Friday, 8:00 a.m. to 8:00 p.m., Saturday, 8:00 a.m. to 4:00 p.m., and Sunday, 8:00 a.m. to 2:00 p.m.; and

WHEREAS, the applicant states that no negative effects on the surrounding residential area have been identified, the facility has not received any complaints from other tenants in the building, almost all of the PCE's members reside within the neighborhood and arrive on foot, and, thus, the proposed PCE will not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to sound attenuation in the PCE, the applicant states that the PCE utilizes demising walls that separate the PCE space from other uses in the building with two layers of ⅝″ gypsum board and 8 inches of sound batt installation; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant represents that the PCE provides facilities for cardiovascular exercise and instruction for physical improvement and body building; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted plans to the Board indicating that the building, including the PCE space, is fully sprinklered and that an approved fire alarm system—including a fire-alarm pull station and central station—will be installed in the entire PCE space; and

WHEREAS, in a letter dated December 2, 2016, the Fire Department states that, based on its review of the drawings and supporting documentation for the proposed PCE, and that final testing on the fire alarm system has been scheduled, it has no objections to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any pending or approved public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE has operated at the premises without the special permit; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted an environmental review of the proposed Checklist action and has documented relevant information about the project in the Final Environmental Assessment Statement ("EAS"), CEQR No. 15-BSA-198K, dated June 15, 2016; and

WHEREAS, the EAS documents that the proposed PCE will not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board has determined that the operation of a PCE at the subject premises will not have a significant adverse impact on the environment.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in an C8-1 zoning district, the operation of a physical culture establishment on a portion of the cellar and first floor of an eight-story, with cellar, mixed-use building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 30, 2016"- Three (3) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring June 1, 2023;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all partitions and exits shall be as approved by DOB;

THAT minimum three-foot-wide exit pathways shall be provided leading to the required exits, and pathways shall always be maintained unobstructed, including from any gymnasium equipment;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT the building shall be fully sprinklered;

THAT the PCE shall be equipped with a fire alarm system;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within one (1) year, by December 6, 2017;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

269-15-BZ
APPLICANT – Law Office of Lyra J. Altman, for Mousa Bukai and Touna Fteha, owners.
SUBJECT – Application December 8, 2015 – Special Permit (§73-622) for the conversion and enlargement of an existing two-family home to a single family residence. R5 (OP) zoning district.
PREMISES AFFECTED – 2076 Ocean Parkway, Block 7108, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated November 12, 2015, acting on Department of Buildings ("DOB") Application No. 321239281, reads in pertinent part:

The proposed enlargement of the existing residence in an R5 zoning district:

1. Creates non-compliance with respect to the side yards by not meeting the minimum requirements of Section 23-461 and 23-48 of the Zoning Resolution;
2. Creates non-compliance with respect to the rear yard and is contrary to Section 23-47 of the Zoning Resolution; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R5 zoning district, the proposed enlargement and conversion of two-family residence to a single-family residence that does not comply with the zoning requirements for side yards and rear yards, contrary to ZR §§ 23-461, 23-47 and 23-48; and

WHEREAS, a public hearing was held on this application on August 2, 2016, after due notice by publication in *The City Record*, with a continued hearing on September 27, 2016, and then to decision on December 6, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Ocean Parkway, between Avenue T and Avenue U, in an R5 zoning district, the Special Ocean Parkway District and partially within the Special Ocean Parkway Subdistrict Area, in Brooklyn; and

WHEREAS, the site has approximately 29 feet of frontage along Ocean Parkway, a depth of 140 feet and 3,990 square feet of lot area; and

WHEREAS, the site is occupied by a two-story two-family residence with 2,644 square feet of floor area, a floor area ratio ("FAR") of 0.66, side yards measuring 5 feet and 3'-6" and a rear yard of 43'-5 ¾"; and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 11 and 15, in the Borough of Brooklyn; and
(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and
(c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE of PERMIT) and paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The

increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing two-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to enlarge and convert the existing two-family residence to a single-family residence, maintain the existing 5 foot side yard to the south and 3'-6" side yard to the north and decrease the 43'-5 ¾" rear yard to 20 feet; and

WHEREAS, at the subject premises, which is more than 11 feet narrower than the 40 feet minimum lot width required for single- or two-family detached residences in the subject zoning district pursuant to ZR § 23-32, two side yards, each with a minimum width of 5 feet, are required pursuant to ZR §§ 23-461 and 23-48; additionally, a rear yard of at least 30 feet is required pursuant to ZR § 23-47; and

WHEREAS, the applicant has submitted a 1929 map of the premises and surrounding area to demonstrate that the existing side yards predate the 1961 Zoning Resolution and, thus, the 3'-6" side yard is a legal non-complying condition; and

WHEREAS, the applicant represents that the proposed enlargement and conversion is consistent with the character of the surrounding neighborhood; and

WHEREAS, in support of this contention, the applicant provided the Board with rear yard diagram of the subject block demonstrating that of the 33 single- or two-family residences located on the same block as the subject site, 13 residences (39 percent) have rear yards with a depth of less than 30 feet and 7 residences (21 percent of all surveyed residences and 54 percent of surveyed residences with non-complying rear yards) have rear yards measuring 20 feet deep or less; and

WHEREAS, additionally, the submitted land use map shows that 13 of the surveyed residences (39 percent) on the subject block—including a residence located immediately to the south of the subject site—and two multiple dwellings located to the north and rear of the subject site that were not included in the survey, have garages located in their rear yards, often directly against the rear lot line, effectively reducing the depth and amount of open space in those yards; and

WHEREAS, the applicant further states that a garage currently located in the rear yard of the subject site will be removed as part of the subject proposal; thus, while the rear yard will be reduced, the removal of the garage will result in additional open space; and

WHEREAS, the Board acknowledges the inconsistent and irregular depths of rear yards on the subject block, particularly, the prevalence of rear yards measuring 20 feet deep or less and rear yard garages, and notes that it is these specific existing conditions that lead to its finding that the 20 foot rear yard proposed at the subject site is consistent with the character of the surrounding neighborhood; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R5 zoning district, the proposed enlargement and conversion of two-family residence to a single-family residence that does not comply with the zoning requirements for side yards and rear yards, contrary to ZR §§ 23-461, 23-47 and 23-48; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 17, 2016"-Twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: side yards with minimum widths of 3'-6" and 5'-0" and a rear yard of at least 20'-0", as illustrated on the BSA-approved plans;

THAT all existing exterior walls as shown on the BSA-approved plans shall remain or the special permit is void;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the special relief granted; and

THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

278-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Rafael Levy, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461). R2 zoning district.
PREMISES AFFECTED – 3556 Bedford Avenue, between Avenue N and Avenue O, Block 7678, Lot 72, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated October 27, 2016, acting on DOB Application No. 320908568, reads in pertinent part:

1. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%
2. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%
3. Plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30'-0"; and

WHEREAS, the Board notes that since the time of this application, the Zoning Resolution has been amended and the text formerly found in ZR § 23-141(a), setting forth the required open space and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141; thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on May 24, 2016, after due notice by publication in *The City Record*, with a continued hearing on July 19, 2016, and then to decision on September 13, 2016; and

WHEREAS, the record was re-opened on December 6, 2016, to accept a revised objection from DOB, closed and voted again on the same date; and

WHEREAS, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommended approval of this application subject to the removal of the addition chimney proposed at the rear of the enlarged area; and

WHEREAS, the subject site is located on the west side of Bedford Avenue, between Avenue N and Avenue O, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along Bedford Avenue, a depth of 100 feet, and 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story plus attic single-family residence with approximately 2,598 sq. ft. of floor area (0.65 FAR); and

WHEREAS, at the time of the Board's vote, ZR § 73-622 provided that:

> The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:
>
> (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
>
> (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.
>
> Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:
>
> (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
>
> (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
>
> (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.
>
> The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development

of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, on October 27, 2016, ZR § 73-622 was amended to remove Community Board 10 from the list of areas in which the special permit was available, but this amendment did not affect the subject application; and

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant proposes to increase the floor area of the building from 2,598 sq. (0.65 FAR) ft. to 3,731 sq. ft. (0.94 FAR), to decrease the open space on the site from 2,809 sq. ft. (1.08 OSR) to 2,418 sq. ft. (0.64 OSR), and reduce the rear yard from 28'-5" to 20'-0"; and

WHEREAS, at the subject premises, the maximum floor area permitted is 2,000 sq. ft. pursuant to ZR § 23-141(a), the maximum FAR permitted is 0.50 pursuant to ZR § 23-141(a), the minimum open space ratio permitted is 150 percent pursuant to ZR § 23-141(a), and the minimum rear yard depth is 30'-0" pursuant to ZR § 23-47; and

WHEREAS, the applicant submitted a Floor Area Ratio Comparison study, which the Board reviewed; with regards to the proposed 0.94 FAR, the applicant states that within a 400 foot radius of the subject there are 21 sites with FARs ranging from 0.9 to 1.39; and

WHEREAS, the applicant also performed an analysis of the FAR of lots along Bedford Avenue within 400 feet of the subject site that have the same lot area as the subject site; the applicant provided a chart showing that of those sites, 12 percent have an FAR in excess of 0.9 FAR; the applicant notes, however, and the Board agrees, that the front of the proposed home, as well as its height, matches the adjacent properties in size and style, and that the proposed rear yard is in line with adjacent homes; thus, the applicant maintains, the proposed home will not negatively impact the character of the neighborhood; and

WHEREAS, the applicant states that of the 36 interior lots on the subject block, eight homes have rear yards with a depth between 13'-0" and 19'-11" (smaller than the proposed rear yard), 13 homes have rear yards with a depth between 20'-0" and 25'-11", six homes have rear yards with a depth between 26'-0" and 30'-0", and nine homes have rear yards with a depth in excess of 30'-0"; the foregoing was supported in a Rear Yard Comparison Study submitted by the applicant and reviewed by the Board; and

WHEREAS, the applicant submits that the home directly north of the subject site has a rear yard with a depth of 15'-0" at two stories, that the home directly sough of the subject site has a rear yard with a depth of 16'-0" at the first floor and 23'-0" at the second floor, and that the two properties directly behind the subject premises (lots 32 and 30) will not be impacted by the rear yard reduction as Lot 30 is separated from the subject rear yard by a large garage and tree, and Lot 32 is separated from the subject rear yard by its own garage as well as the garage on the subject site; and

WHEREAS, the applicant notes that the front façade of the proposed building will remain substantially unchanged and will match the design of the adjacent homes; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R2 zoning district, the proposed enlargement of a single-family residence that does not comply with the zoning requirements for floor area ratio, open space, and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received June 30, 2016"- Eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a wall height of 20'-2", a building height of 29'-11", a maximum floor area of 3,731 sq. ft. (0.94 FAR), a minimum open space ratio of 64 percent (2,418 sq. ft.), a front yard with a depth of 20'-2", side yards with minimum widths of 5'-2" and 6'-6", a rear yard with a depth of 20'-0", all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s) except, as noted above, that the text formerly found in ZR § 23-141(a), setting forth the required open space and maximum floor area ratio permitted in an R2 zoning district, is now found at ZR § 23-141, thus, the Board treats the citation to ZR § 23-141(a) in DOB's objection as a citation to ZR § 23-141 and relief of that section is granted herein;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 6, 2020; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

6-14-BZ
APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.
SUBJECT – Application January 9, 2014 – Special Permit (§73-211) to permit the operation of an Automotive Service Station (UG 16B) with an accessory convenience store. C2-1/R3-2 zoning district.
PREMISES AFFECTED – 2525 Victory Boulevard, Block 1521, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

31-14-BZ
APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.
SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.
PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Off Calendar.

41-14-BZ
APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.
SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.
PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to April 25, 2017, at 10 A.M., for continued hearing.

91-14-BZ
APPLICANT – Law Office of Lyra J. Altman, for 3428 Bedford LLC by Jeffrey Mehl, owner.
SUBJECT – Application May 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR §23-141) and less than the required rear yard (§23-47). R2 zoning district.
PREMISES AFFECTED – 3420 Bedford Avenue, southwest corner of Bedford Avenue and Avenue M, Block 7660, Lot (tentative) 45, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

4-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Bais Chaya Esther Inc., owner.
SUBJECT – Application January 9, 2015 – Variance (§72-21) to permit the conversion of the existing building at the premises from residential to community facility use.
PREMISES AFFECTED – 119 Webster Avenue, block 5416, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 7, 2017, at 10 A.M., for adjourned hearing.

101-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Nesiv Hatorah Inc., owner.
SUBJECT – Application May 11, 2015 – Variance (§72-21) to permit construction of a two-story use group 4 synagogue contrary to underlying bulk requirements. R2X zoning district.
PREMISES AFFECTED – 830 Hicksville Road, Block 15583, Lot 11, Borough of Queens.
COMMUNITY BOARD #14Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1

ACTION OF THE BOARD – Laid over to December 13, 2016, at 10 A.M., for decision, hearing closed.

REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 6, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, and Commissioner Chanda.
Absent: Commissioner Montanez.

ZONING CALENDAR

2016-4209-BZ
CEQR #16-BSA-121K
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 4th Avenue Development II, LLC, owner; Blink Fitness, lessee.
SUBJECT – Application May 25, 2016 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Blink*) on a portions of the cellar, first and second floors of an existing building. C2-4 (R8A) (EC-1) zoning district.
PREMISES AFFECTED – 227 4th Avenue, Block 955, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #6BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 16, 2016, acting on Department of Buildings ("DOB") Application No. 321364171, reads in pertinent part:

> "Proposed Physical Culture Establishment in C2-4/ED(R8A) Zoning district is contrary to section 32-10 ZR and requires a special permit from BSA (73-36)"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit on a site located in an R8A (C2-4) zoning district within the Special 4th Avenue Enhanced Commercial District, the operation of a physical culture establishment (PCE) on a portion of the cellar, first and second floors of an existing two-story, with cellar, commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 6, 2016 after due notice by publication in *The City Record*, and then on to decision on the same date; and

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northeast corner of 4th Avenue and President Street, in an R8A (C2-4) zoning district within the Special 4th Avenue Enhanced Commercial District, in Brooklyn; and

WHEREAS, the site has approximately 92 feet of frontage along the north side of President Street, 60 feet of frontage along 4th Avenue, 5,510 square feet of lot area, and is occupied by a two-story, with cellar, commercial building; and

WHEREAS, the existing building on the site was designated as an individual landmark—Public Bath No. 7—by the Landmarks Preservation Commission ("LPC") on September 11, 1984; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
(2) that such *use* contains:
  (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
  (ii) a swimming pool of a minimum 1,500 square feet; or
  (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
  (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a

report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE will occupy 7,305 square feet of floor space in the cellar, 5,560 square feet of floor area on the first floor and 5,326 square feet of floor area on the second floor of the proposed building; and

WHEREAS, the PCE will be operated as Blink Fitness; and

WHEREAS, the applicant represents that the cellar will feature locker rooms, storage space and exercise equipment; the first floor will feature an entryway opening into areas for exercise equipment, stretching and storage; the second floor will feature further exercise equipment and storage space; and

WHEREAS, the PCE's hours of operation are Monday through Saturday, 5:30 a.m. to 11:00 p.m., and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant states that the PCE fronts on 4th Avenue, a high-traffic commercial thoroughfare; that the building used to house an event space—a comparable commercial use to the subject PCE; and that the PCE will not impair the essential character or future use or development of the surrounding area; and

WHEREAS, with regards to sound attenuation in the proposed PCE, the applicant states that sound levels in other portions of the building do not exceed the maximum interior noise level of 45 dBA; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant states that the PCE will provide facilities for classes, instruction and programs for aerobics, weight loss, body building, and other physical improvement; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted plans to the Board indicating that the PCE will be fully sprinklered and that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms as well as connection of the interior fire alarm and sprinkler system to an FDNY-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the Fire Department states that, based on its review of the drawings and supporting documentation for the proposed PCE, it has no objections to this application; and

WHEREAS, LPC issued several approvals for work on the subject building, including Certificate of No Effect 18-0023, issued December 14, 2015, and expiring December 16, 2019, approving restorative work throughout the 4th Avenue, President Street and north elevations; Certificate of Appropriateness 18-1354 (LPC 17-7180), issued January 29, 2016, approving a proposal for various work at the subject premises by, including work at the 4th Avenue façade, work at the President Street façade, and installation of signage; and Certificate of Appropriateness 18-1354, which approved amendments to plans, including modifications to the scope of work on the ground floor, to, which expires on July 21, 2021; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any pending or approved public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16-BSA-121K, dated May 25, 2016; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.3 and 617.5, §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an R8A (C2-4) within the Special 4th Avenue Enhanced Commercial District, the operation of a physical culture establishment on a portion of the cellar, first and second floors of a two-story,

with cellar, commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 17, 2016"-Seven (7) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring December 6, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3′-0″ wide exit pathways shall be provided leading to the required exits and that exit pathways shall be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system shall be installed in the entire PCE space and that such system shall include: area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and connection of the interior fire alarm and sprinkler system to an FDNY-approved central station;

THAT Local Law 58/87 shall be complied with as approved by DOB;

THAT all partitions and exits shall be as approved by DOB;

THAT the PCE shall be fully sprinklered;

THAT noise abatement measures shall be provided within the PCE space to ensure that the sound level in other portions of the building does not exceed the maximum noise level of 45 dBA, including sound emanating from any sound system, if installed;

THAT the above conditions shall appear on the Certificate of Occupancy;

* THAT a Certificate of Occupancy shall be obtained within four (4) years, by December 6, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 6, 2016.

172-15-BZ

APPLICANT – Eric Palatnik, P.C., for 146-45 22nd Avenue LLC, owner.

SUBJECT – Application July 31, 2015 – Variance (§72-21) to permit the development of a 1,796 square foot two-story with cellar two (2) family dwelling contrary to underlying bulk regulations. R3A zoning district.

PREMISES AFFECTED – 146-45 22nd Avenue, Block 4637, Lot 47, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

2016-4210-BZ

APPLICANT – Law Office of Steven Simicich, for James De Francesco, owner.

SUBJECT – Application May 26, 2016 – Variance (§72-21) to permit the construction of a single family detached home contrary to ZR §107-42 (Lot Area) and ZR §23-47 (Rear Yard) regulations. R3-1 (SRD) zoning district.

PREMISES AFFECTED – 19 Robinson Avenue, Block 5315, Lot 62, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

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BULLETIN

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2016-4463-BZ
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2016-4465-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

REGULAR MEETING
JANUARY 31, 2017, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 31, 2017, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

619-73-BZ
APPLICANT – Sheldon Lobel, P.C., for CI Gateway LLC, owner.
SUBJECT – Application July 15, 2016 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved variance (§72-21) which permitted an eating and drinking establishment (UG 6) with an accessory drive thru which expired on June 15, 2016. R4 zoning district.
PREMISES AFFECTED – 2940 Cropsey Avenue, Block 6949, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #13BK

234-84-BZ
APPLICANT – Robert E. Schuster, AIA, for Forest Realty Management, LLC., owner.
SUBJECT – Application April 28, 2015 – Extension of Term (§11-411) of a previously approved Variance which permitted the operation of an Eating and Drinking Establishment (UG 6) which expired on February 12, 2015; Waiver of the Board's Rules. C81-/R3-1 zoning district.
PREMISES AFFECTED – 1076/82 Forest Avenue, Block 1696, Lot 26, Borough of Staten Island.
COMMUNITY BOARD #1SI

67-91-BZ
APPLICANT – Eric Palatnik, P.C., for BSM Management, LLC, owner.
SUBJECT – Application September 11, 2015 – Amendment (§11-412) to a previously-granted Automotive Service Station (Gulf) (UG 16B), with accessory uses, to permit the enlargement of an existing 1 story building and convert service bays to an accessory convenience store and install 6 new multiple product dispensers. C2-2/R3-2 zoning district.
PREMISES AFFECTED – 54-55 Little Neck Parkway aka 260-01 Horace Harding Expressway, Block 8274, Lot 135, Borough of Queens.
COMMUNITY BOARD #11Q

APPEALS CALENDAR

2016-2-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Vincent Theurer, owner.
SUBJECT – Application January 4, 2016 – Appeal seeking determination that the Department of Buildings improperly denied an application for a permit for construction of cabana based on erroneous determination that the cabana should be considered a dwelling unit and not an accessory structure, requiring compliance with minimum required distance between buildings (ZR 23-711(f)) and minimum distance between lot lines and building walls (ZR 23-881) in the lower density growth management area. R1-1(NA-1).
PREMISES AFFECTED – 74 Buttonwood Road, Block 877, Lot 32, Borough of Staten Island.
COMMUNITY BOARD #2SI

REGULAR MEETING
JANUARY 31, 2017, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 31, 2017, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

263-14-BZ
APPLICANT – Eric Palatnik, P.C., for Viktoriya Midyany, owner.
SUBJECT – Application October 24, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R3-1 zoning district.
PREMISES AFFECTED – 1601 Oriental Boulevard, Block 8757, Lot 23, Borough of Brooklyn.
COMMUNITY BOARD #15BK

2016-4126-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 670 Broadway Owner LP, owner; Equinox 670 Broadway, Inc., lessee.
SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. M1-5B zoning district.
PREMISES AFFECTED – 670 Broadway, Block 530, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #2M

2016-4249-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP for Margaret Lee, Youngwoo & Associates LLC, owner.
SUBJECT – Application September 8, 2016 – Variance (§72-21) to allow the development of a commercial building contrary to ZR §22-10 (to allow commercial use (UG 5 & 6) within a R7-2 zoning district, ZR §33-122 (exceed the maximum permitted commercial floor area within a C8-3 zoning district, ZR §§33-432 & 33-442 (C8-3 sky exposure plane regulations) and ZR §36-683 (Location of the entry/exit of an accessory loading berth with a C8-3 zoning district). C8-3 & R7-2 zoning district.
PREMISES AFFECTED – 2420 Amsterdam Avenue, Block 2152, Lot(s) 77 & 83, Borough of Manhattan.
COMMUNITY BOARD #12M

Ryan Singer, Executive Director

REGULAR MEETING
TUESDAY MORNING, DECEMBER 13, 2016
10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, and Commissioner Chanda.
Absent: Commissioner Montanez.

SPECIAL ORDER CALENDAR

413-50-BZ
APPLICANT – Eric Palatnik, P.C., for Sandra Yetman, owner; BP Products North America Inc., lessee.
SUBJECT – Application October 8, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) which expires on November 18, 2015. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 691 East 149th Street, Block 2623, Lot 140, Borough of Bronx.
COMMUNITY BOARD #1BX
ACTION OF THE BOARD – Laid over to March 7, 2017, at 10 A.M., for continued hearing.

240-55-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for DLC Properties LLC, owner.
SUBJECT – Application December 24, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive repair facility (UG 16B) which is set to expired on November 3, 2018; Amendment (§11-413) to permit a change in use from automotive repair facility (UG 16B) to automotive sales (UG 9A); Extension of Time to Obtain a Certificate of Occupancy which expired on April 1, 2015; Waiver of the Rules to permit the filing for an Extension of Term in excess of 1 year prior to the expiration and for filing in excess of 30 day but less than 1 year of the expiration of the time to obtain a Certificate of Occupancy. C2-2/R6B & R4 zoning district.
PREMISES AFFECTED – 207-22 Northern Boulevard, Block 7305, Lot 19, Borough of Queens.
COMMUNITY BOARD #11Q
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

202-62-BZ
APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.
SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.
PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.
COMMUNITY BOARD #11BX
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

57-95-A thru 59-95-A
APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.
SUBJECT – Application February 9, 2015 – Amendment/Time to complete construction filed under Certificate of Occupancy Modification. R7-2 zoning district.
PREMISES AFFECTED – 473 Central Park West, West side of Central Park West between West 107th and West 108th Streets, Block 01843, Lot 32, Borough of Manhattan.
COMMUNITY BOARD #7M
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for adjourned hearing.

214-00-BZ
APPLICANT – Sheldon Lobel, P.C., for Zaliv, LLC, owner.
SUBJECT – Application November 13, 2015 – Extension of Term of a previously approved Special Permit (73-242) which permitted the operation of an eating and drinking establishment (UG 6) which expired on November 16, 2015; Extension of Time to Obtain a Certificate of Occupancy which expired on March 20, 2013; Waiver of the Rules. C3 zoning district.
PREMISES AFFECTED – 2761 Plumb 2nd Street, Block 8841, Lot 500, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

235-01-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 2009 Mermaid, LLC, owner.
SUBJECT – Application May 11, 2016 – Extension of Term of a previously approved Special Permit (§73-27) permitting the operation of funeral establishment (UG 7) which expired on May 12, 2014; Waiver of the Rules. C1-2/R5 zoning district.
PREMISES AFFECTED – 2009 Mermaid Avenue, Block 7018, Lot 42, Borough of Brooklyn.
COMMUNITY BOARD #13BK
ACTION OF THE BOARD – Laid over to March 7, 2017, at 10 A.M., for continued hearing.

APPEALS CALENDAR

163-14-A thru 165-14-A
APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.
SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.
PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.
COMMUNITY BOARD #1M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings, dated June 26, 2014, and updated and revised on December 6, 2016 acting on Department of Buildings Application No. 121065514, reads, in pertinent part:

> Proposed conversion of 1st floor below the design flood elevation from non-habitable space (store) into habitable space (dwelling) shall be deemed an increase in the degree of noncompliance with Appendix G contrary to BC G102. Alterations or repairs, other than *substantial improvements*, to pre-FIRM building, including installation of new components, materials, finishes and equipment shall not increase the degree of noncompliance with Appendix G (BC G102);
>
> Proposed conversion of 1st floor below the design flood elevation is contrary to BC [G]304.1.1; and

WHEREAS, this is an administrative appeal filed pursuant to Appendix G, Section BC G107 of the New York City Administrative Code (the "Building Code"), to legalize the conversion of non-habitable space into habitable space in three (3) existing buildings in a flood hazard area contrary to Appendix G of the Building Code; and

WHEREAS, a public hearing was held on this application on October 21, 2014, after due notice by publication in *The City Record*, with continued hearings on November 25, 2014, January 27, 2015, March 10, 2015, April 14, 2015, June 23, 2015, August 25, 2015, October 27, 2015, December 15, 2015, and February 23, 2016, and then to decision on November 1, 2016; and

WHEREAS, the record was re-opened on December 13, 2016, to accept a revised objection from DOB, closed and voted again on the same date; and

WHEREAS, Chair Perlmutter, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located at southwest corner of the intersection of Canal Street and Greenwich street, in Manhattan; the site is comprised of contiguous Lots 38, 39, and 40 on Block 595 (the "Site"); Lot 40, a corner lot, has approximately 30 feet of frontage along the west side of Greenwich Street and approximately 24 feet of frontage along the south side of Canal Street; Lot 39 has approximately 18 feet of frontage along the south side of Canal Street; Lot 38 has approximately 19 feet of frontage along the south side of Canal Street; the applicant represents that the combined lot area of the Site is 3,853 sq. ft.; and

WHEREAS, the Site is located within a C6-2A zoning district, within the Special Tribeca Mixed Use District; the applicant states that the Site is located within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency ("FEMA"), as indicated on the Flood Insurance Rate Maps for the City of New York (the "FIRM"), and states further that each of the buildings thereupon are designated by FEMA as within Flood Zone AE; and

WHEREAS, each lot on the site is occupied by a building, and each of the three buildings are individual landmarks designated by the New York City Landmarks Preservation Commission; the building known as and located at 502 Canal Street (Lot 40) was built in 1818-19, as stated in its June 30, 1998 Designation Report, the building retains distinctive characteristics of the Federal style, and "has always had commercial space at the ground story with residential accommodations above"; the building known as and located at 504 Canal Street (Lot 39) was built c. 1841, and, as stated in its June 30, 1998 Designation Report has also "always had commercial space at the ground story with residential accommodations above"; the building known as and located at 506 Canal Street (Lot 38) was built in 1826; the June 30, 1998 Designation Report for the building known as and located at 506 Canal Street notes the building's ground-floor storefront which, the designation report states, appears to date from the original construction of the building; the three buildings on the Site are referred to collectively herein as the "Buildings"; and

WHEREAS, the applicant states that the Base Flood Elevation ("BFE") established by FEMA for the Site is 11'-0" North American Vertical Datum 1988 ("NAVD 88") and that the Design Flood Elevation "DFE" is +2'-0" (i.e., 13'-0" DFE); the applicant states that the DFE is approximately 3'-9" above the ground floor of the building known as and located at 502 Canal Street and approximately 4'-1" above the ground floor of the buildings known as and located at 504 and 506 Canal Street; and

WHEREAS, the applicant states that because it has converted the ground floor space of the Buildings into habitable space which, it concedes, is below the DFE, it has increased the degree of non-compliance with Appendix G of the Building such that Appendix G, Section G304 is applicable; and

WHEREAS, the applicant states that the proposed legalization does not comply with all of the flood-proofing requirements of that section, thus, the applicant seeks a variance pursuant to Section BC G107.2.1; and

WHEREAS, the applicant states that the Buildings were in need of repair prior to November 2012, but that their

deterioration was accelerated by Superstorm Sandy; the applicant notes that because of the severity of the damage caused by that storm, restoration and renovation of the Buildings was overseen by the New York City Department of Buildings Forensic Engineering Unit (the "DOB Engineering Unit"); and

WHEREAS, the applicant maintains that the owner of the Buildings has been unable to use the ground floor of the subject Buildings for a permitted commercial use; the applicant provided the Board with copies of rent rolls for the Buildings for a period commencing in January, 2000 and continuing through the date of the subject application; the applicant states that the ground floors of the buildings known as and located at 502 and 504 Canal Street were vacant from that date until after the applicant's unlawful conversion of the ground floor space from non-habitable commercial space to habitable space and the Board discovered that such habitable space has been unlawfully occupied since at least June 2015; the applicant states that the ground floor of the building known as and located at 506 Canal Street was occupied for 50% of the time during that period; and

WHEREAS, the applicant also argues that the ground floors of the Buildings cannot be used for commercial purposes for reasons related to the integrity of the historic structures, including, *inter alia*, that the building known as and located at 504 Canal Street only has a single entrance and applicable code does not allow for a shared commercial and residential entrance, but that adding a second entrance will negatively impact the historic character of that building; the applicant also maintains that that the existing stairway and door to the residential portion of the building known as and located at 506 Canal Street dos not meet applicable standards and, but-for the ground-floor conversion of that building, would need alterations which would negatively impact the historic character of the building; and

WHEREAS, the applicant notes that it has combined certain utilities within the Buildings in order to minimize the damage to the historic facades thereof; and

WHEREAS, the Board notes that Appendix G provides minimum requirements for development located, in whole or in part, in areas of special flood hazard zones within the jurisdiction of the New York City; specifically, G304.1.1 provides, *inter alia*, that all residential buildings or structures shall be elevated such that the lowest floor, including the basement, shall be elevated to at or above the applicable DFE; that enclosed spaced below the DFE shall be useable solely for parking of vehicles, building access, storage, or crawlspace, and shall be wet floodproofed in accordance with ASCE 24 of the International Building Code (which addresses flood resistant design and construction); that the finished ground level of an under-floor space, such as a crawl space, shall be equal to or higher than the outside finished ground level on at least one side; that only flood-damage-resistant materials and finishes shall be utilized below the DFE; and that utilities and attendant equipment shall be located at or above the DFE or shall be constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE24; and

WHEREAS, the applicant states that in order to comply with the foregoing requirements of Appendix G, the ground floor of the Buildings would have to be elevated above the DFE; the applicant states that so elevating the ground floors of the Buildings above the DFE would negatively impact their historic character and is therefore impracticable; and

WHEREAS, the Board notes that section G107 of Appendix G to the Building Code provides for variances from the requirements of Appendix G; specifically, section G107.1 provides that:

> The Board of Standards and Appeals shall hear and decide requests for variances from requirements of [Appendix G of the Building Code]. The Board of Standards and Appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the proposes and objectives of [Appendix G of the Building Code]; and

WHEREAS, the Board notes further that section G107.2.1 authorizes the Board to issue a variance from the requirements of Appendix G "for the repair or rehabilitation of a historic structure," provided that

1. The application has received approval from the Landmarks Preservation Commission and/or the New York State Historical Preservation Office, as applicable,
2. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and
3. The variance is the minimum necessary to preserve the historic character and design of the structure; and

WHEREAS, the applicant states that the conversion of the ground floor of the Building was duly approved by the LPC; specifically, the applicant states that the work performed at the building known as and located at 502 Canal Street was performed pursuant to Certificate of No Effect No. 14-4472 and Certificate of Appropriateness No. 14-8295, that the work performed at the building known as and located at 504 Canal Street was performed pursuant to Certificate of No Effect No. 14-4473 and Certificate of Appropriateness No. 15-1620, and that the work performed at the building known as and located at 506 Canal Street was performed pursuant to Certificate of No Effect Nos. 14-4474, 15-5632, and 16-1088; and

WHEREAS, the applicant states that the subject conversion has not interfered with the Buildings' continued designation as historic structures; specifically, the applicant notes that the work associated with the subject conversion and proposed legalization was done pursuant to authorizations issued by the LPC, and involved the maintenance or restoration of existing masonry walls and openings, restoration of cast stone and cast iron facades at the buildings known as and located at 504 and 506 Canal Street, and employed design elements consistent with the historic character of the Buildings; and

WHEREAS, the applicant also maintains that the variance sought herein, the legalization of the converted space, is the minimum necessary to preserve the historic character and design of the Buildings; specifically, the applicant notes that all new building services and utilities are located above the DFE including water, sprinkler, and electrical services, but that the gas meters remain in the cellar level of the Buildings, as per a letter submitted by Con Edison of New York dated August 24, 2016, a copy of which was reviewed by the Board; moreover, the applicant reiterates that elevating the ground floor of the Buildings would have a significant negative impact on the historic character of the Buildings, thus, the waiver sought herein preserves such character; and

WHEREAS, based on its review of the record, the Board finds that the conversion of the subject ground-floor space from non-habitable space to habitable space will not preclude the Buildings designation as historic structures, and that the variance sought herein is the minimum necessary to preserve the historic character and design of the Buildings; and

WHEREAS, the Board notes in addition to the specific findings the Board must make pursuant to Appendix G Section G107.2.1, section G107.3 of Appendix G to the Building Code requires that the Board evaluate the effect of the proposed variance on the following factors: (1) the danger that material and debris may be swept onto other lands resulting in damage or injury; (2) the danger to life or property due to flooding or erosion damage; (3) the susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners; (4) the importance of the services provided by the proposed development to the community; (5) the availability of alternative locations for the proposed development that are not subject to flooding or erosion; (6) the relationship of the proposed development to comprehensive plan and flood plain management program for that area; (7) the safety of access to the property in times of flood for ordinary and emergency vehicles; (8) the expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and (9) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges; and

WHEREAS, at hearing, the Board expressed particular concern that because the unlawfully converted space at the ground-floor of the Buildings is significantly below the DFE, residential tenants and their property were at significant risk and that such risk may not have been known to the Buildings' tenants at the time they took possession of their leased premises; and

WHEREAS, thus, consistent with its mandate and mitigate "danger to life and property due to flooding or erosion damage … the susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners … [and] the safety of access to the property in times of flood for ordinary and emergency vehicles," the Board required extensive notification, mitigation, and emergency protocols as conditions to the subject grant; and

WHEREAS, in order to protect against danger to life and property due to flooding or erosion damage, the owner of the Buildings has agreed to certain carefully considered Emergency Flood Measures and Procedures (the "EFMP," which must conform to the form and substance of the EFMP incorporated as a condition of this resolution), which include, without limitation, the installation of BSA-approved Flood Gates, Door Shields, and Window Shields, as well as the following:

- In case of emergency conditions as alerted from the office of the Mayor, the landlord of the Buildings (the "Landlord"), will enact the Emergency Action Plan ("EAP"), as described more fully, below.
- As per the EAP, tenants of the Buildings are not permitted to remain in the Buildings in the event that the Landlord enacts the EAP, and the Landlord is responsible for vacating the Buildings in such event. Pursuant to the EAP, tenants shall evacuate the Buildings to seek higher ground located north of Domenick Street, on Sixth Avenue, in Manhattan.
- The Landlord shall have copies of the EAP for reproduction and distribution to the tenants and building personnel and made available at any time upon request of tenant or building personnel.
- As threat of impending flooding/high tide conditions dictate, the Landlord shall enact the EAP and put all appropriate and essential building personnel on telephone alert. Telephone alert is defined as being able to be contacted by telephone, and capable of responding to his/her work site within 45 minutes. Assigned personnel will be accounted for and will be required to assist with the flood protection activities
- As noted, in a flood event, the Landlord will notify tenants of the emergency flood circumstance and direct tenants to evacuate the Leased Properties. The Landlord will also notify tenants that all first floor entrances to the Buildings will be blocked by the installation of BSA-approved Flood Gates and Window and Door Shields.
- The Landlord will provide an emergency access ladder (for use by emergency personnel and landlord representatives only) as well as an exterior water infiltration pump (the flood gates, the window and door shields, the emergency access ladder and exterior water infiltration pump collectively, the "<u>Flood Protection Measures</u>").
- The Flood Protection Measures will be retrieved from their off-site storage location at

260 Spring Street, New York, NY and set into position, installed, and the neoprene flood seals engaged. A crew of four (4) workers will deploy all requisite Flood Protection Measures. The estimated time to complete the implementation of the Flood Protection Measures is three to four hours.

- Landlord's staff will remain at the site to assist the tenants until all the Buildings are evacuated. Prior to the Door Shield and Flood Gates being sealed, a physical inspection by the owner or owner's representative of each and every apartment, including sleeping areas, shall be made to confirm that all apartments and public areas of the building have been evacuated, including utility and storage areas.
- The Flood Protective Measures will be removed after the flood event is over as determined by the Landlord and Flood Officials. The Landlord will verify that all utilities are in working order, assess damage as required, and coordinate re-occupancy with the tenants.
- Upon any high water events, which include both Flash Flood Watch Warnings and Flash Flood Warnings, the Landlord will provide photographic documentation signed by a licensed professional of the condition of the first floor just after the removal of the flood gates and shields, and prior to reconstruction (if any). Additionally, the Landlord will obtain from each tenant of the Buildings a signed affidavit describing the actions of the Landlord and Landlord's personnel during flood events. These records shall be used by the BSA to determine the efficacy of the Flood Protective Measures and the continuance of the subject variance.
- At least once annually, the Landlord shall organize and hold a training event designed to keep building personnel and tenants aware of duties and responsibilities in case of a flood event.
- Landlord must perform a yearly inspection and maintenance plan as per the EFPM; and

WHEREAS, the Board notes that the EAP, which must conform to the form and substance of the EAP incorporated as a condition of this resolution, shall state explicitly that in the event that the Landlord enacts the EAP it is mandatory that all tenants evacuate the Buildings; and

WHEREAS, in order to ensure that the Buildings' tenants are aware of the risk posed by flood events to their safety and property, and in order to advise them of certain measures they should take in order to protect themselves against harm or loss of property, the Board requested that the applicant draft a rider to be included in all current and future leases for residential units within the Buildings; the applicant provided the Board with a draft rider to it's the Landlord's residential lease, which the Board reviewed; the applicant modified the draft rider as per the Board's recommendations and has agreed that the Landlord shall include a lease rider in all of its residential leases related to the Buildings (the "Lease Rider") and that such Lease Rider shall conform to the form and substance of the Lease Rider incorporated as a condition of this resolution; and

WHEREAS, the Lease Rider must state, *inter alia*, that the Buildings are located within a special flood hazard area as defined by FEMA and must advise lessees that the first floor of the Buildings sustained damage in October of 2012 because of flood waters incurred as a result of Superstorm Sandy; and

WHEREAS, based on the above, the Board has determined that the evidence in the record supports the findings required to be made pursuant to Building Code Section BC G107.2.1 and Section 666(7) of the New York City Charter.

Therefore it is Resolved, that the application to legalize the conversion of non-habitable space into habitable space at the ground floor of the subject Buildings contrary to the flood-proofing requirements of Section BC G102 and G304.1.1 of the Building Code is granted; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 26, 2016" Twenty (20) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited objections;

THAT all Flood Protection Measures (defined in the resolution, above) shall (1) be installed and maintained as shown on the BSA-approved plans, and (2) tested as required in the EFMP;

THAT the term of this grant shall be five (5) years from December 14, 2016 (the date on which this resolution was released);

THAT the Board shall hold a compliance hearing on the subject applications on the scheduled Board hearing date closest in time to June 14, 2018, which is eighteen (18) months from the date on which this resolution was released, (the "Initial Compliance Hearing");

THAT thirty (30) days prior to the Initial Compliance Hearing, the applicant shall submit to the Board, under the subject BSA calendar numbers, a report outlining all weather events which triggered the EAP during that period, a statement as to whether and to what extent there has been any damage to the Buildings or personal property therein, and an affidavit and photographic evidence describing and showing Landlord's response to any such damage; the applicant shall also provide the Board with documentation of all notification and testing required under the EFMP;

THAT the owner of the Buildings shall record the Restrictive Declaration submitted in connection with this application in the Office of the City Register in New York County prior to the issuance of this resolution; the Restrictive Declaration must conform to the following form and substance:

RESTRICTIVE DECLARATION

This RESTRICTIVE DECLARATION, made as of the _____ day of November, 2016 (the "Declaration"), by MKM CANAL LLC, a New

York limited liability company having an office at 2390 McDonald Avenue, Brooklyn, New York (the "Declarant").

W I T N E S S E T H :

WHEREAS, Ponte Equities, Inc., a corporation having an office at 60 Vestry Street, New York, NY 10013 is the owner ("Owner") in fee title to those certain parcels of land in the City, County and State of New York, known as and by the street address 502 Canal Street (a/k/a 480 Greenwich Street), 504 Canal Street and 506 Canal Street, respectively, identified as Block 595, Lot(s) 40, 39 and 38 on the Tax Map of the City and County of New York (502 Canal Street (a/k/a 480 Greenwich Street), 504 Canal Street and 506 Canal Street, each, a "Property", and collectively, the "Properties"), which parcels are more particularly described in Exhibit "A" annexed hereto and made a part of hereof;

WHEREAS, each of the Properties are located within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency ("FEMA");

WHEREAS, each of the Properties are designated by FEMA to be within Flood Zone AE, as shown on Flood Insurance Rate Map 3604970182G;

WHEREAS, the Base Flood Elevation ("BFE") established by FEMA is approximately 11 feet NAVD 1988;

WHEREAS, the Design Flood Elevation ("DFE") is BFE + 2 ft (i.e., 13'-0" DFE);

WHEREAS, the DFE is approximately 3'-9" above the first floor of 502 Canal Street (a/k/a 480 Greenwich Street) and approximately 4'-1" above the first floor of 504 Canal Street and 506 Canal Street;

WHEREAS, Declarant leased the Properties from Owner pursuant to a long-term lease and Declarant converted the first floor of each structure located on the Properties from non-habitable space (commercial use) to habitable space (residential use);

WHEREAS, Appendix G, Section G304 of the New York City Building Code establishes general limitations on certain use and occupancy of structures located within the Special Flood Hazard Area;

WHEREAS, Appendix G, Section G102.3 of the New York City Building Code states in part "the conversion of any space below the DFE from non-habitable space into habitable space shall be deemed an increase in the degree of non-compliance";

WHEREAS, the conversion of the first floor of 502 Canal Street (a/k/a 480 Greenwich Street), 504 Canal Street and 506 Canal Street, respectively, from non-habitable space (commercial use) to habitable space (residential use) requires the approval of the New York City Board of Standards and Appeals (either the "BSA" or the "Board");

WHEREAS, the Declarant has submitted the requisite applications to the Board for the approval of the conversion of the first floor of 502 Canal Street (a/k/a 480 Greenwich Street), 504 Canal Street and 506 Canal Street, respectively, from non-habitable space (commercial use) to habitable space (residential use) (BSA Calendar No. 163-14A, 164-14A and 165-14A, each an "Application", and collectively, the "Applications").

NOW, THEREFORE, for and in consideration of One Dollar ($1.00) and other good and valuable consideration, including, but not limited to this Declaration, the receipt and sufficiency of which is hereby acknowledged, Declarant agrees as follows:

1. Declarant acknowledges that because the BFE and DFE are higher than the elevation of the first floor of each Property, storm water protection measures shall be implemented by Declarant to protect such Property in the event of a flood emergency, all as set forth herein.
2. Declarant has developed and implemented procedures for responding to flood emergencies, which are described in the Emergency Action Plan ("EAP"), a copy of which is attached hereto as Exhibit "B". The EAP shall be permanently posted in the mailroom each Property.
3. Declarant has implemented procedures applicable to flood and emergency events, which procedures are more particularly set forth in the Emergency Flood Measures & Procedures ("EFMP"), copies of which are attached hereto as Exhibit "C". The Declarant shall implement and maintain the EFMP pursuant to the terms and conditions of this Declaration.
4. Declarant shall apply for the flood insurance pursuant to the applicable provisions of the National Flood Insurance Act of 1968, as amended to date, and Title 44 of the Code of Federal Regulations ("NFIP"). Declarant shall use commercially reasonable efforts to procure NFIP flood insurance at the maximum applicable coverage amounts of Two Hundred and Fifty Thousand Dollars ($250,000) for each Property. Declarant shall maintain such NFIP flood insurance throughout the duration of residential occupancy of the first floor of the improvements on each Property. In the event that Declarant is unable to obtain such NFIP flood insurance then, in such event, Declarant shall obtain real property insurance

from a private insurance provider with coverage amounts equal to at least Two Hundred and Fifty Thousand Dollars ($250,000) for the improvements located on each such Property.

5. Declarant shall provide notice to tenant of this Declaration within its Property lease rider, a copy of which is annexed hereto and made a part hereof as Exhibit "D".
6. A notation shall be made on the Certificate of Occupancy issued for each Property identifying the recording information for this Declaration and stating that residential use and occupancy of the first floor of the improvements on such Property is contingent upon the Declarant's compliance with the terms and conditions of this Declaration.
7. All of the grants, interests, covenants, agreements and conditions contained in this Declaration: (a) shall run with the lands, buildings and improvements affected; (b) shall inure to the benefit of and be binding upon the Declarant and its heirs, administrators, executors, distributees, successors and assigns so long as they shall respectively have any interest in the Properties respectively affected hereby; and (c) shall, to the extent rights hereunder are assigned to the holder of any mortgages encumbering any of the Properties affected by this Declaration or any interest therein, be enforceable by such assigns.
8. Declarant shall include a copy of this Declaration, along with any amendments or modifications to this Declaration that may be approved by the Board pursuant to Section 9 hereof, as part of any application pertinent to the alteration, maintenance, repair or occupancy of the first floor of each Property submitted to any governmental agency or department having jurisdiction over the Property, including, without limitation, the New York City Department of Buildings and the New York City Landmarks Preservation Commission.
9. This Declaration may be modified, amended and/or cancelled upon application to and written consent and approval by the Board or such agency succeeding to its jurisdiction. Any modification, amendment or cancellation of this Declaration shall be executed and filed in the same manner as this Declaration. Notwithstanding anything contained herein to the contrary, the Declarant may convert the first floor of one or more Property or all such Properties from habitable space (residential) to non-habitable space (e.g., commercial) pursuant to the applicable provisions of the Zoning Resolution of the City of New York and, upon such conversion (as evidenced by the issuance by the New York City Department of Buildings of a Certificate of Occupancy for non-habitable space on such first floor(s), as the case may be) this Declaration shall automatically terminate with respect to the Property or Properties so converted and shall thereafter be of no further force and effect.
10. This Declaration and the provisions hereof shall become effective immediately upon approval by the Commission of the Applications. Within the next five (5) business days of such approval, Declarant shall file and record this Declaration in the New York County Clerk's Office, indexing it against each Property. Declarant shall, promptly following recordation of this Declaration, deliver to the Board a true copy of this Declaration as recorded and certified by the New York County Clerk.
11. The Declarant recognizes that the City of New York is an interested party in this Declaration and consents to the City enforcing the covenants, conditions, restrictions and agreements contained herein.
12. If any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be of full force and effect.
13. All notices, demands, requests, consents, approvals or other communications (each of which is hereinafter referred to as "Notice") that may be or are permitted, desirable or required to be given, served or sent hereunder shall be in writing and shall simultaneously be sent to: (a) The City of New York, the Chairperson of the Board of Standards and Appeals, 250 Broadway, 29th Floor, New York, New York 10007-1216 or at the then current address, Attn: Chairperson; and (b) the Declarant, by mailing or delivering such Notice to the Declarant indicated above. Each Notice that shall be mailed shall be deemed sufficiently given, served or sent for all purposes hereunder either (i) five days (if mailed in the City of New York) after it is mailed by United States registered or certified mail at a branch post office regularly maintained by the United States Postal Service, or (ii) if delivered by hand, when actually received.
14. Declarant acknowledges and agrees that failure to comply with the terms of this Declaration may result in revocation of (i) the Certificate of Occupancy for the first

floor of the improvements located on each respective Property; and (ii) the Board's approval pursuant to BSA Calendar No.(s) 163-14A, 164-14A and 165-14A, respectively, to permit residential use on the first floor of 502 Canal Street (a/k/a 480 Greenwich Street), 504 Canal Street and 506 Canal Street, respectively.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be signed as of the day and year first above written.

DECLARANT:
MKM CANAL LLC

_____
By: Mr. Michael Marino

THAT the owner of the Building shall include in any lease for any residential premises located within any of the Buildings, a Lease Rider which must conform to the following form and substance:

LEASE RIDER ("LEASE RIDER") ANNEXED TO AND MADE A PART OF LEASE DATED AS OF NOVEMBER 11th, 2016 BY AND BETWEEN MKM CANAL LLC ("LANDLORD") AND TTR GLOBAL, LLC ("TENANT") IN RESPECT OF THE PROPERTY LOCATED AT 504 -506 CANAL STREET, NEW YORK, NEW YORK.

THIS IS TO INFORM YOU THAT THE LEASED PROPERTIES ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. YOU ARE HEREBY ADVISED THAT THE FIRST FLOOR OF THE PROPERTIES SUSTAINED DAMAGE IN OCTOBER OF 2012 BY FLOOD WATERS INCURRED AS A RESULT OF HURRICANE SANDY.

1. Tenant has read the terms and conditions of this Lease Rider, which shall be an exhibit to the Lease between Landlord and Tenant. In the event of a conflict between any of the provisions of the Lease and any provisions of this Rider, the provisions of this Rider shall prevail.
2. Each of the properties located at 480 Greenwich/502 Canal Street, 504 Canal Street and 506 Canal Street (each, a "Leased Property" and collectively, the "Leased Properties") are located within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency ("FEMA"). More specifically, each Leased Property is located in Flood Zone AE as shown on Flood Insurance Rate Map ("FIRM") 3604970182G, which is attached hereto.
3. FEMA defines the Special Flood Hazard Area as the area subject to flooding by the 1% annual chance flood. "The 1% annual flood (100 year flood)..., is the flood that has a 1% chance of being equaled or exceeded in any given year. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood. More information can be obtained on the FEMA website or by general contact at (202) 646-2500.
4. The Base Flood Elevation ("BFE") of the Leased Properties is 11 feet NAVD 1988. The Design Flood Elevation ("DFE") is BFE + 2 ft (i.e., 13'-0" DFE).
5. The DFE is approximately 3'-9" above the first floor of 480 Greenwich Street/502 Canal, and 4'-1" above the first floor of 504 Canal and 506 Canal. Consequently, a variance is required from the New York City Board of Standards and Appeals to permit residential use of the first floor of each of the Leased Properties; as such first floor is below both the BFE and DFE.
6. Tenant acknowledges that because the BFE and DFE are higher than the elevation of the first floor of each of the Leased Properties, that storm water may rise above the first floor and may damage personal possessions. In the event that water reaches such levels, the walls, floors, electrical wires, kitchen cabinetry, and equipment may be damaged and shall be replaced by Landlord to match or exceed current quality.
7. Landlord has developed and implemented procedures for responding to flood emergencies, which are described in the "Emergency Action Plan ("EAP"), a copy of which is attached hereto as Exhibit "A". The EAP will be permanently posted in the mailroom of the Leased Properties.
8. Landlord has also implemented procedures for both Landlord and Tenant during flood and emergency events, which procedures are more particularly set forth in the Emergency Flood Measures & Procedures ("EFMP"), copies of which are attached hereto as Exhibit "B".
9. Landlord has agreed to the terms and conditions set forth in the Restrictive Declaration, a copy of which is attached hereto as Exhibit "C", in connection with the residential use of the first floor of 480 Greenwich Street/502 Canal, 504 Canal and 506 Canal.
10. Landlord is obligated pursuant to the Restrictive Declaration to apply for the flood insurance pursuant to the applicable provisions of the National Flood Insurance Act of 1968, as amended to date, and Title 44 of the Code of Federal Regulations ("NFIP"). In the event that Landlord is unable to obtain

such NFIP flood insurance, then Landlord shall procure real property insurance from a private insurance provider with coverage amounts that are reasonable and customary for the improvements located on the Leased Property. Tenant is advised to apply to the NFIP for a "contents only" flood insurance policy for tenant's first floor possessions.

11. If a Leased Property is rendered Untenantable (as hereinafter defined) as a result of a naturally occurring flood event, then Tenant may utilize the Rent that would otherwise be due and payable for the Abatement Period (as hereinafter defined) to pay for any reasonable, actual, out-pocket, third-party costs and expenses incurred by Tenant to procure temporary relocation space that is comparable in all material respects to the Leased Property (the "Permitted Relocation Costs") in lieu of paying same to Landlord. Landlord shall have no obligation to reimburse tenant for any cost or expense incurred by Tenant that exceeds the Rent. Tenant shall provide Landlord with documentation reasonably satisfactory to Landlord evidencing the Permitted Relocated Costs incurred by Tenant on a rolling, as-incurred basis. Tenant shall, within fifteen (15th) days after the Abatement Period, provide Landlord with a reconciliation statement showing (i) the total amount of the Permitted Relocation Costs incurred by Tenant during the Abatement Period and (ii) the total amount of the Rent that was not paid for the Abatement Period; if the Rent that was not paid for the Abatement Period exceeds the Permitted Relocation Costs, such excess shall be due, in full, on the fifteenth (15th) day after the Abatement Period. Tenant shall provide Landlord with any additional supporting documentation reasonably requested by Landlord from time to time. Landlord and its auditors and accountants shall have the right from time to time, during reasonable business hours at a location in New York City as Tenant may designate, to examine, make abstracts, photocopy and audit the relevant portions of Tenant's books and records to verify Tenant's accounting and documentation of the Permitted Relocation Costs. Tenant shall maintain such books and records for not less than six (6) years after the end of the Abatement Period, which obligation shall survive the expiration or sooner termination of this Lease. TIME IS OF THE ESSENCE with respect to the time frames set forth in this Section 12.

"Untenantable" means that Tenant shall be unable to reasonably use or occupy, and ceases occupancy of, the Leased Property for at least five (5) consecutive Business Days as a result of a naturally occurring flood event. "Abatement Period" means the period during the Term of this Lease that (i) commences on the date on which Leased Property is are rendered Untenantable pursuant to this Section 12 and (ii) ends on the earlier to occur of (x) after the Leased Premises is no longer Untenantable, upon three (3) business days notice to Tenant, (y) the date on which Tenant resumes use or occupancy of the Leased Property or any portion thereof, or (z) the date on which this Lease expires or is sooner terminated.

13. Tenant may apply to the NFIP for a "contents only" flood insurance policy for tenant's possessions with coverage limits of up to One Hundred Thousand Dollars ($100,000) ("Tenant Flood Insurance"). In the event that Tenant has procured such Tenant Flood Insurance, Tenant shall provide Landlord with copies of such Tenant Flood Insurance policy and documentation evidencing, to Landlord's reasonable satisfaction, payment of such insurance premiums in full. Upon Tenant's delivery of such documentation and any other supporting documentation reasonably requested by Landlord from time to time, Tenant shall be entitled to receive a credit from Landlord equal to one hundred (100%) of said insurance premium actually paid by Tenant for the period(s) of coverage occurring during the term of this Lease. Said credit shall be calculated after deducting any portion of the premium that relates to personal property typically excluded from a standard renter's policy coverage (e.g., any items insured pursuant to a special rider or floater policy or resulting in a higher premium than if those special categories of personal property were not included in the coverage). Tenant shall receive such credit by deducting the amount thereof against the next installment(s) of Rent due hereunder. If such Tenant Flood Insurance premium paid by Tenant is subsequently reduced or refunded (in whole or in part) by the insurer (other than premiums for specialty coverage described above), then (i) Tenant shall promptly notify Landlord thereof, (ii) the credit shall be recalculated with respect to such premium and reduced accordingly, and (iii) Tenant shall promptly pay to Landlord, as additional Rent, an amount equal to the excess credit realized by Tenant, which obligation shall survive the termination of this Lease.

14. Landlord shall establish and fund an escrow account ("Escrow Account") for each Leased Property with funds equal to the sum of Twenty Five Thousand Dollars ($25,000) ('Escrow Funds") upon the execution of this Lease Rider. In the event that: (w) a Leased Property is rendered Untenantable as a result of a naturally occurring flood event; (x) Tenant has procured Tenant Flood Insurance pursuant to the provisions of paragraph 13 herein; (y) Tenant timely submits all requisite documentation including without limitation, all requisite insurance claim forms to the NFIP for loss incurred by Tenant of Tenant's contents which are actually covered by said Tenant Flood Insurance ("Covered Loss"); and (z) the NFIP fails to timely distribute to Tenant the requisite insurance proceeds pursuant to said Tenant Flood Insurance for such Covered Loss then, in such event, (I) Tenant shall notify Landlord of the same and provide Landlord with copies of all correspondence provided to and received from the NFIP in connection thereto and (II) Tenant may request by written notice ("Notice") to Landlord that Tenant be permitted to draw down and utilize the Escrow Funds in furtherance of a Covered Loss. Landlord shall disburse to Tenant that portion of the Escrow Funds (in an amount not to exceed said Escrow Funds) in an amount equal to a Covered Loss, as determined in the sole and absolute discretion of Landlord's third party insurance provider within thirty (30) days from the date of Landlord's receipt of said Notice ("Received Funds"). Tenant shall provide Landlord with documentation reasonably satisfactory to Landlord evidencing the Covered Loss incurred by Tenant. Tenant shall, within fifteen (15th) days after its receipt of any insurance proceeds from the NFIP for such Covered Loss ("Insurance Payments"), provide Landlord with a reconciliation statement showing (i) the total amount of Insurance Payments received by Tenant and (ii) the total amount of the Received Funds. In the event that the Received Funds exceeds the Insurance Payments then, in such event, the difference shall be refunded by Tenant to Landlord within fifteenth (15th) day after Tenant's receipt of the Insurance Payments. For the avoidance of doubt, Tenant may not avail itself of the provisions of this Section 14 unless it has procured Tenant Flood Insurance pursuant to the provisions of Section 13 herein.

Notwithstanding anything contained herein to the contrary, Tenant shall provide Landlord with any additional supporting documentation reasonably requested by Landlord from time to time. Landlord and its auditors and accountants shall have the right from time to time, during reasonable business hours at a location in New York City as Tenant may designate, to examine, make abstracts, photocopy and audit the relevant portions of Tenant's books and records to verify Tenant's accounting and documentation of the Covered Loss. Tenant shall maintain such books and records for not less than six (6) years after its receipt of any such Escrow Funds, which obligation shall survive the expiration or sooner termination of this Lease. TIME IS OF THE ESSENCE with respect to the time frames set forth in this Section 14.

15. Tenant acknowledges that it has reviewed and consented to the terms and conditions of this Lease Rider, the EAP and the EFMP.

TENANT:
By:
_____
Printed Name: _____
Date: _____
LANDLORD:
By: _____
Printed Name: _____
Date: _____;

THAT owner of the Buildings shall also maintain and publish, as required, the Emergency Action Plan and Emergency Flood Measures and Procedures as set forth and contained in the Restrictive Declaration; the Emergency Action Plan and Emergency Flood Measures and Procedures shall substantially conform to the form and substance of the following:

- The EFMP must conform to the following form and substance:

<u>Emergency Flood Measures and Procedures for 480 Greenwich/502 Canal Street, 504 Canal Street and 506 Canal Street</u>

The Emergency Flood Measures and Protection ("EFMP") is an integral part of each building's flood protection design.

Chain of Command & Responsibility

The Landlord is the principal authority for Flood Emergency Operations at 480 Greenwich Street/502 Canal Street, 504 Canal Street and 506 Canal Street (each, a "Leased Property" and collectively, the "Leased Properties").

In case of emergency conditions as alerted from the office of the Mayor, the Landlord will enact the Emergency Action Plan ("EAP"). The EAP is critical for protection of life and property. All tenants must provide Landlord with up to date emergency contact information. Tenants are not permitted to remain at the property or access the property in the event that

the EAP is enacted by Landlord. The Landlord is responsible for vacating the Leased Properties in the event that the EAP is enacted. A roster displaying the names and emergency contact information of the Landlord as well as each of the tenants shall be updated annually, as necessary, or upon a change/addition of occupants and posted permanently in the Mail Lobby and distributed to each Tenant. The Landlord shall have copies of this plan for reproduction and distribution to the tenants and building personnel and made available at any time upon request of tenant or building personnel.

Notification & Warning Procedures

The National Weather Service Office will issue two types of flash flood/high tide advisories: Flash Flood Watches and Flash Flood Warnings.

Flash Flood Watch: Heavy rains or high tides are occurring or expected to occur and may cause flash flooding in certain areas and building occupants and personnel should be alert to the possibility of a flood emergency that will require immediate action.

Flash Flood Warning: flash flooding is occurring or imminent for certain designated area, and immediate action should be taken by those threatened.

As threat of impending flooding/high tide conditions dictate, the Landlord shall enact the EAP and put all appropriate and essential building personnel on telephone alert. Telephone alert is defined as being able to be contacted by telephone, and capable of responding to his/her work site within 45 minutes. Assigned personnel will be accounted for and will be required to assist with the flood protection activities. In case of a flood emergency, tenant may contact Landlord/personnel at the following phone numbers:

Landlord, Mike Marino, Sr - (347) 753-1567

Landlord, Mike Marino, Jr - (917) 692-7591

Representative, Maciek Romanek - (917) 755-4676

Duties & Responsibilities

The Landlord will notify tenants of the emergency flood circumstance and direct tenants to evacuate the Leased Properties. The Landlord shall be responsible for vacating the Leased Properties. The Landlord will also notify tenants that all first floor building entrances will be blocked by the installation of the approved AquaFence (Flood Gates) and Window and Door Shields. The Landlord will provide an emergency access ladder (for use by emergency personnel and landlord representatives only) as well as an exterior water infiltration pump (the flood gates, the window and door shields, the emergency access ladder and exterior water infiltration pump collectively, the "Flood Protection Measures").

Pursuant to the BSA Approved Deployment Protocol, the Flood Protection Measures will be retrieved from their off-site storage location at 260 Spring Street, New York, NY and set into position, installed, and the neoprene flood seals engaged. Refer to the attached "AquaFence Installation, Removal and Operating Manual." A crew of four (4) men will deploy all requisite Flood Protection Measures. The estimated time is three to four hours. During that time, and even after the initial installation of the flood gates, portions of the gates can remain flat thereby allowing the tenants access and egress. The installation of the Window and Door Shields, the emergency access ladder and the exterior water infiltration pump, which will occur simultaneously with the installation of the flood gates, should be complete in under an hour. The Door Shield shall be the last item to be installed after the Leased Properties are vacated. The maintenance staff will remain at the site to assist the tenants until all the buildings are evacuated. Prior to the Door Shield and Flood Gates being sealed, a physical inspection by the owner or owner's representative of each and every apartment, including sleeping areas, shall be made to confirm that all apartments and public areas of the building have been evacuated, including utility and storage areas.

Evacuation

In the event of a flood emergency, Landlord will enact the EAP, notify tenants of such flood emergency and, thereafter, tenants shall immediately evacuate the Leased Properties to seek higher ground located north of Domenick Street on Sixth Avenue, about four blocks from the site (see attached map). Tenants are not permitted to remain at the property or access the property in the event that the EAP is enacted by Landlord. The Landlord is responsible for vacating the Leased Properties in the event that the EAP is enacted. Tenants are not permitted to return to the Leased Properties during a flood emergency and tenants may return to the Leased Properties only after Landlord permits reoccupation thereof. The Door Flood Shield will be installed after all personnel have left the building and before the Flood Gates are tipped up to final position. Door shield should indicate "tenant evacuated". After the Tenants have vacated the property, the Flood Gates will be sealed and the Landlord will notify the FDNY Manhattan Dispatcher at 212.570.4261, who will then notify the local fire company that evacuation of the property has taken place.

Re-occupation

The Flood Protective Measures will be removed after the flood event is over as determined by the Landlord and Flood Officials. The Landlord will verify that all utilities are in working order, assess damage as required, and coordinate re-occupancy with the tenants.

High Water Events

In addition, during high water events, which include both Flash Flood Watch Warnings and Flash Flood Warnings, the landlord will provide photographic documentation signed by a licensed professional of the condition of the first floor just after the removal of the flood gates and shields, and prior to

reconstruction (if any). These records shall be used by the BSA to determine the efficacy of the Flood Protective Measures and the continuance of the Variance. In addition, the Owner will obtain from each tenant a signed affidavit describing the actions for the Landlord and Landlord's personnel during the flood event and the condition of the Leased Properties after such event.

Yearly Training and Exercise Program

At least once annually, the Landlord shall organize and hold a Training and Exercise Program designed to keep building personnel and tenants aware of duties and responsibilities in case of a flood event. The annual training and exercise drill will take place just prior to hurricane season, typically in June or July. The installation will be monitored and certified by the property engineer and documented with photographs. Records of this shall be maintained by the Landlord and furnished to the BSA at intervals determined by the BSA as a condition of the renewal of the Variance.

Tenants will be informed of the training exercise and should participate in this training exercise to remain aware of details of the Emergency Action Plan including tenant duties and responsibilities.

Yearly Inspection and Maintenance Plan

The yearly Inspection and Maintenance Plan will take place annually at the same time as the Training and Exercise Program. The Landlord will be responsible for the implementation of the Maintenance and Inspection Plan. The following devices, systems or building components shall be inspected annually and repaired as necessary to ensure proper flood proofing and protection:

1. Flood Gates, Window and Door Shields: Each barrier device shall be inspected for cracks and structural integrity and the neoprene seal should be inspected for leaks. All parts associated with each flood barrier device should be accounted for and properly identified.
2. Drains & Gutters: the building drains and gutters should be cleaned regularly so that these devices operate properly and that silt and debris does not build up.
3. Building walls: The walls of the buildings should be inspected regularly for cracks and repairs made as necessary.
4. Flood Barrier Storage Area: the flood barrier device storage area should be clean and organized so that the flood barrier devices are easily retrieved during the implementation of the Flood Emergency Operating Plan.
5. Flood Shield Storage: the Door and Window Flood Shield storage area shall be inspected to make sure it is clean and functional. The Landlord will maintain records of yearly Inspection and Maintenance Plan including photographs and a statement by a licensed professional.

The tenant acknowledges that is has reviewed and consented to the terms and conditions of this **Emergency Flood Measures & Procedures** and the attached **Emergency Action Plan.**

By: _____
Tenant

By: _____
Landlord

- The EAP must conform to the following form and substance:

EMERGENCY ACTION PLAN for Flood Emergencies 480 Greenwich Street/502 Canal Street, 504 Canal Street and 506 Canal Street

This EAP is critical for protection of life and property. All tenants must provide Landlord with up to date emergency contact information. Tenants are not permitted to remain at the property or access the property in the event that the EAP is enacted by Landlord. The Landlord will work with City Officials and Flood Control Authorities to evaluate an emergency flood threat and flood warning to determine when to enact the EAP. In case of a declared flood emergency, the Landlord and/or its representatives [as posted] will enact the EAP and make good faith continuous efforts to contact all Tenants. The Landlord is responsible for vacating the property in the event that the EAP is enacted.

IN THE EVENT THAT THE LANDLORD ENACTS THE EAP IT IS MANDATORY THAT ALL TENANTS EVACUATE ALL BUILDINGS.

The National Weather Service Office issues two types of flash flood/high tide advisories:

Flash Flood Watch: Heavy rains or high tides are occurring or expected to occur and may cause flash flooding in certain areas, and building occupants and personnel should be alert to the possibility of a flood emergency that will require immediate attention.

Flash Flood Warning: flash flooding is occurring or imminent for certain designated areas, and immediate action should be taken by those threatened.

TENANTS ARE TO WALK NORTH ON SIXTH AVENUE PAST DOMENICK STREET TO GET TO HIGH GROUND IN A FLOOD EVENT (see attached map).

The Landlord will install Flood Protective Measures at the front of the buildings that are comprised of flood gates, window and door shields, an emergency access ladder and an exterior water infiltration pump. The individual flood gates will remain flat during installation to allow access and egress, and will be sealed after the Tenant and all personnel have left the buildings.

Reentry

After the flood even is over as determined by the Owner and Flood Officials, the Owner will verify that all utilities are in working order, assess damage, and coordinate the re-entry of tenants to the premises;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant

laws under its jurisdiction not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

68-15-A
APPLICANT – Pryor Cashman, LLP for 230 West 97th Street, LLC, owner.
SUBJECT – Application March 27, 2015 – Variance pursuant to Section 310 of the NYSMDL to allow the 2,708 square foot penthouse enlargement to a non-fireproof Old law Tenement building contrary to the height regulations. C4-6AEc-3 zoning district.
PREMISES AFFECTED – 230 West 97th Street, Block 1868, Lot 44, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to April 4, 2017, at 10 A.M., for continued hearing.

232-15-A
APPLICANT – Sheldon Lobel, P.C., for Thor 840 West End Avenue LLC, owner.
SUBJECT – Application October 1, 2015 – Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district.
PREMISES AFFECTED – 840 West End Avenue aka 259 West 101 Street, Block 1873, Lot 01, Borough of Manhattan.
COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to April 4, 2017, at 10 A.M., for continued hearing.

264-15-A thru 268-15-A
APPLICANT – Diffendale & Kubec, for Leonello Savo, owner.
SUBJECT – Application December 7, 2015 – Proposed construction of two family detached residence not fronting on a legally mapped street, contrary to General City Law 36. R3X (SSRD) zoning district
PREMISES AFFECTED – 5, 11, 17, 23 Herbert Street and 14 Holtein Avenue, Block 6681, Lot(s) 30, 31, 40, 41, 34, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

272-15-A
APPLICANT – Eric Palatnik, P.C., for Tribanor Real Estate, owner.
SUBJECT – Application December 14, 2015 – Proposed construction of a commercial building, not fronting a legally mapped street, contrary to General City Law 36. M3-1 zoning district.
PREMISES AFFECTED – 35 Derick Court, Block 7206, Lot 510, Borough of Staten Island.
COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to March 7, 2017, at 10 A.M., for continued hearing.

ZONING CALENDAR

152-14-BZ
CEQR #15-BSA-020K
APPLICANT – Sheldon Lobel, P.C., for Ashawagh Cottage, LLC., owner.
SUBJECT – Application June 26, 2014 – Variance (§72-21) to permit the construction of a new community facility building at the premises which would contain a for-profit school, the school at Fillmore Place for children ages two through six. R6B zoning district in a historic district.
PREMISES AFFECTED – 673 Driggs Avenue, Block 2382, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #1BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated September 16, 2016, acting on DOB Application No. 320878305, reads in pertinent part:

"1. Proposed plans are contrary to ZR § 23-153 in that the proposed Floor Area Ratio (FAR) exceeds the maximum permitted;
2. Proposed plans are contrary to ZR § 23-662(a) in that the proposed street wall height exceeds the maximum base height permitted"; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site in an R6B zoning district and the Fillmore Place Historic District, the development of a three-story, plus cellar, community-facility building that does not comply with applicable floor area ratio and maximum base height regulations, contrary to ZR §§ 23-153 and 23-662; and

WHEREAS, this application is brought on behalf of the School at Fillmore Place, a proposed private, for-profit pre-school for children ages two through five (the "School"), which the applicant represents will be regulated by Article 47 of the New York City Health Code, which regulates non-residential-based child care centers for children under six years of age; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, with continued hearings on April 26, 2016, July 19, 2016, and October 14, 2016, and then to decision on December 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez, Commissioner Ottley-Brown and Commissioner

Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 1, Brooklyn, recommends disapproval of this application on the basis that the application does not meet any of the findings under ZR § 72-21; and

WHEREAS, New York City Council Member Antonio Reynoso submitted a letter, dated April 27, 2016, recommending disapproval of this application on the basis that, *inter alia*, the applicant has not met the findings pursuant to ZR § 72-21 subsections (a) and (c); and

WHEREAS, in addition, several members of the community (collectively, with Community Board 1 and Council Member Reynoso, the "Opposition") submitted written and oral testimony recommending disapproval of this application; and

WHEREAS, the subject site is located on the southeast corner of Driggs Avenue and Fillmore Place, in an R6B zoning district within the Fillmore Place Historic District, in Brooklyn; and

WHEREAS, the site has approximately 22 feet of frontage along Driggs Avenue, 75 feet of frontage along Fillmore Place, 1,661 square feet of lot area and is vacant; and

WHEREAS, the applicant originally proposed to construct a three-story community-facility building with 4,737 square feet of floor area, a floor area ratio ("FAR") of 2.85 and a maximum base height of 42'-1"; and

WHEREAS, in the course of hearing, and in response to comments made by the Board and the Opposition, the applicant revised the proposal and now proposes to construct a three-story, with cellar, community-facility building with 4,664 square feet of floor area, an FAR of 2.81 and a base wall height of 42'-1"; and

WHEREAS, the proposed cellar will contain one classroom with a capacity of 14 children, an office with a kitchenette, storage, restrooms and mechanical space; the proposed first floor features the lobby, two classrooms with a total capacity of 27 children, kitchenettes and restrooms; the second floor features a classroom for 18 children, an outdoor rooftop play area, an office, a kitchenette and restrooms; the third floor features a classroom accommodating 17 children, an office, a kitchenette and restrooms; and the roof features an outdoor play area with a Fire Department access landing, a vestibule, multipurpose room and an elevator control room; and

WHEREAS, at the subject site, the maximum floor area permitted is 3,322 square feet (2.0 FAR), pursuant to ZR § 23-153, and the maximum base height permitted is 40 feet, pursuant to ZR § 23-662; and

WHEREAS, the School states that the waivers sought are necessary to achieve its programmatic needs, namely the classroom space sufficient to provide morning and afternoon pre-school sessions, each with 77 children in attendance, and outdoor play space; and

WHEREAS, pursuant to ZR §72-21, the Board must make the following findings in order to vary provisions of the Zoning Resolution:

(a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular #zoning lot#; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located;

(b) that because of such physical conditions there is no reasonable possibility that a #development#, #enlargement#, extension, alteration or change of #use# on the #zoning lot# in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the #zoning lot# is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

(e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for; and

WHEREAS, the applicant represents that the small size of the subject lot and presence of encroachments from adjacent buildings along its western boundary and a subsurface rubble stone foundation create practical difficulties or necessary hardship in strictly complying with the bulk provisions of the Zoning Resolution, namely that these unique features necessitate an elaborate cantilevered structural system that would result in a narrow floor plate with a column grid in what would normally be a column-free building; and

WHEREAS, the encroachments—protruding between 9-1/2" and 2'-0" into the subject lot—further decrease the effective size of the lot; and

WHEREAS, in support of its contention that the size

of the subject lot is a unique condition sufficient to meet ZR § 72-21(a), the applicant submitted a study of properties within an 800-foot radius of the subject site demonstrating that, of 52 tax lots in the same R6B zoning district, only one of seven vacant tax lots has a smaller lot area, and the applicant notes that this smaller tax lot is subject to a deed restriction limiting its use to open space whereas the subject lot has no such restriction; and

WHEREAS, the applicant further states that, as a result of the construction methods necessitated by the encroachments and subsurface rubble, 57 percent of an as-of-right building's floor space would contain non-programming space—including stairs, an elevator shaft, mechanical space and adult toilets—leaving only 43 percent of the building for the School's programming and that these constraints would prevent the School from meeting its programming needs; and

WHEREAS, the applicant represents that the proposed waivers for floor area and base height would allow the School to alleviate the site's space constraints by enabling an increase in available programming space to 50 percent of the gross area of the building;

WHEREAS, the applicant further represents that, on the roof, the waiver for base height allows the School to provide, as requested, unobstructed rooftop access for the Fire Department—including unobstructed passage across the building parapet, perimeter fence or other obstructions, and a safe landing—pursuant to Fire Code § 504.4.1 as requested, while situating the multipurpose room and fresh-air unit in such a way as to maximize the School's rooftop outdoor play area; and

WHEREAS, the Fire Department reviewed the School's revised plans and, by letter dated July 13, 2016, stated that it had no objection to the application; and

WHEREAS, in a Resolution dated September 10, 2014, Community Board 1 states that the size of the subject lot is "similar" to others on the block, but fails to provide any data that would contradict or undermine the uniqueness study presented to and reviewed by the Board; and

WHEREAS, the Board acknowledges that, because of their presumed beneficial effect on the community, educational institutions are entitled to deference under the law of the State of New York as to zoning and their ability to rely on programmatic needs to support variance applications; and

WHEREAS, specifically, as held in *Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based on the above, the Board finds that the unique conditions of the subject site and the programmatic needs of the School create an unnecessary hardship and practical difficulty in developing the premises in compliance with the applicable zoning regulations; and

WHEREAS, the applicant states that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the Board notes that because the School is proprietary and, thus, operates as a for-profit institution, the Board must evaluate the finding set forth in ZR § 72-21(b); and

WHEREAS, the applicant provided a financial analysis for (1) an as-of-right community-facility building (the "As-of-Right Development") and (2) the subject proposal; and

WHEREAS, the applicant represents that only the subject proposal would provide a reasonable return; and

WHEREAS, the applicant represents that the As-of-Right Development would have a height of three stories, 3,125 square feet of floor area (1.88 FAR), and a base height of 35'-9"; and

WHEREAS, the applicant represents that the As-of-Right Development would only allow programming for four classrooms, each with a capacity of between 8 and 10 children and accommodating a total of 38 children, with a limited outdoor play area at grade and no rooftop play area; and

WHEREAS, in contrast, the subject proposal provides five classrooms, which can accommodate a total of 77 children per session, along with rooftop play areas at both the second floor and on the roof, which the applicant represents are significant benefits for a pre-school facility; and

WHEREAS, the financial analysis provided indicates that while the total development cost for the subject proposal is $1,032,325 greater than the development costs for the As-of-Right Development, the As-of-Right Development does not provide space for a sufficient number of students to allow the School to realize a positive return and the subject proposal, with five larger classrooms and two rooftop play areas, contains sufficient value to be financially feasible; and

WHEREAS, therefore, based upon its review of the applicant's submissions, the Board finds that, because of the subject site's unique physical conditions, there is no reasonable possibility that development in strict compliance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the surrounding area contains a variety of manufacturing, commercial and residential uses and therefore will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, in addition, the Board notes that the School's proposed community-facility use is allowed as-of-right in an R6B zoning district under ZR § 22-10; and

WHEREAS, the Opposition expressed concerns for public safety arising from the subject proposal including the narrowness of Fillmore Place and its capacity to support the traffic resulting from the proposed use, concerns about parking availability in the area, the presence of a bike lane

and bus routes on Driggs Avenue, as well as concerns about Fire Department access to the building; and

WHEREAS, with respect to the subject site's location within the Fillmore Place Historic District, the applicant represents that the proposal will not affect the historical character of the area; and

WHEREAS, the applicant submitted Certificate of Appropriateness No. 16-1742, issued by the Landmarks Preservation Commission ("LPC") as amended on November 17, 2016, approving construction in connection with the subject proposal; and

WHEREAS, at the Board's request and in response to concerns from the Opposition that a play roof would create excess noise, the applicant submitted a study of potential noise from the School's proposed rooftop play areas; and

WHEREAS, the rooftop-noise study submitted indicates, and the Board accepts, that the School's proposal has no potential to create a noise nuisance—more than 45 dB(A) indoors and 70–75 dB(A) outdoors—for outdoor or indoor closed-window conditions because future noise levels are not anticipated to exceed 65 dB(A); and

WHEREAS, the applicant also submitted a transportation study, dated November 2016, in response to the Board's request and in order to address concerns raised from the Opposition regarding current traffic in the area and the potential for the operation of a pre-school at the subject location to exacerbate existing conditions; and

WHEREAS, the transportation study concludes, and the Board accepts, that the School's proposal would cause "minimal" increases in pedestrian and vehicular traffic to the area with the majority of arrivals to and departures from the site occurring by foot; and

WHEREAS, the New York City Department of Transportation ("DOT") School Safety Division also reviewed the School's proposal and, by letter dated August 4, 2016, states that it has no objection to the approval of this application; and

WHEREAS, additionally, the School agreed to adopt an Operational Plan in further response to the Opposition's concerns about traffic and in order to minimize adverse effects, which includes 15-minute-staggered arrival and departure times for students with a staff monitor on duty to facilitate safe maneuvering and compliance with the School's procedures—including discouraging congregating, standing, double-parking and leaving strollers outside the School while also ensuring that vehicular drop-offs and pick-ups occur on the Driggs Avenue frontage, rather than Fillmore Place; and

WHEREAS, further, in a letter dated November 13, 2016, the Director of the School represented that, based on her experience at Brooklyn Schoolhouse, a similar pre-school located in Clinton Hill with an enrollment of 28 students under the age of four, 90 percent of the students of the School will arrive and depart on foot and only 10 percent are expected to arrive by car; and

WHEREAS, the applicant also agreed to seek a curbside no-standing zone along its Driggs Avenue frontage from DOT; and

WHEREAS, in light of the foregoing, the Board finds that the requested waivers will not alter the essential character of the neighborhood or district, impair the use or development of adjacent property, nor be detrimental to the public welfare; and

WHEREAS, with regards to ZR § 72-21(d), the applicant represents that the unnecessary hardship encountered by compliance with a strict application of the Zoning Resolution is inherent in the subject site's narrow width, shallow depth, small lot size, and encroachments from adjacent buildings and was not caused by either the School, the owner, or a predecessor in interest; and

WHEREAS, Community Board 1 contends, without evidentiary support, that the hardship is self-created, because it is "most likely" that the purchase price took into account an expectation of obtaining a zoning change or use variance; and

WHEREAS, the Board notes that the text of ZR § 72-21(d) itself states that the purchase of property "shall not itself constitute a self-created hardship"; and

WHEREAS, therefore, the Board finds that the practical difficulties or unnecessary hardship burdening the site were not self-created; and

WHEREAS, the applicant represents that the subject proposal is the minimum necessary to afford relief, consistent with ZR § 72-21(e), because it is modest in scope and requires only the waivers necessary to effectively develop an underutilized site that has been vacant for 47 years; and

WHEREAS, in support, the applicant cites to the provided financial analysis, demonstrating that the capitalized value of the subject proposal is only $8,119 more than its total development costs, representing a positive return of 0.1 percent; and

WHEREAS, therefore, the Board finds, in accordance with ZR § 72-21(e), that the subject proposal is the minimum necessary to afford the applicant relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. 15-BSA-020K, dated October 11, 2016; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the LPC conducted an environmental review, dated August 3, 2015, finding that while the site is of no archaeological significance, it is located within a

designated historic district and may be eligible for National Register Listing; and

WHEREAS, the New York City Department of Environmental Protection's ("DEP") Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials and noise; and

WHEREAS, by letter dated August 12, 2015, DEP reviewed and accepted the March 2015 Environmental Assessment Statement ("EAS") and the April 2013 Phase I Environmental Site Assessment Report ("Phase I"), recommending that a Phase II Environmental Site Assessment was necessary based on the historical on-site or surrounding-area land uses; and

WHEREAS, by letter dated December 23, 2015, DEP reviewed and accepted the October 2015 Phase II Site Investigation Work Plan ("Phase II Work Plan") and the August 2015 Health and Safety Plan ("HASP"); and

WHEREAS, by letter dated July 14, 2016, DEP reviewed and provided comments regarding noise analysis; and

WHEREAS, by letter dated August 2, 2016, DEP reviewed and accepted the June 2016 Phase II Site Investigation Report ("Phase II Report"), July 2016 Remedial Action Plan ("RAP") and the June 2016 Revised Construction Health and Safety Plan ("CHASP"); and

WHEREAS, by letter dated October 14, 2016, DEP reviewed the backup noise data and traffic-count data logs and found that the proposed project would not result in potential significant adverse noise impacts; and

WHEREAS, no other significant adverse effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site in an R6B zoning district, the development of a three-story, plus cellar, community-facility building, contrary to ZR §§ 23-153 and 23-662 *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 22, 2016"-Nineteen (19) sheets, and letter from Brooklyn Schoolhouse Founder and Director dated "November 17, 2016"-One (1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 4,664 square feet of floor area (2.85 FAR) and a maximum base height of 42'-1", as illustrated on the BSA-approved plans;

THAT pick-up and drop-off shall occur on the Driggs Avenue frontage only;

THAT the School shall implement the following procedures (the "Operational Plan"):

- a 15-minute-staggered arrival and departure procedure;
- provide a staff member on duty outside the School to escort children arriving by car to the school entrance, manage pick-ups and drop-offs and avoid conflicts with bicycles and pedestrians;
- seek and obtain a School No-Standing Zone on Driggs Avenue from the New York City Department of Transportation;
- prohibit standing and double-parking on Fillmore Place;
- discourage parents and caregivers from congregating or leaving strollers outside the School;
- notify parents and caregivers of arrival-and-departure procedures at orientation sessions, in parent handbook and on school website;
- remind parents and caregivers of procedures as needed;

THAT upon opening, the School shall submit its School No-Standing Zone to the Department of Transportation for final review and assessment;

THAT any violation of this Resolution, including the School's Operational Plan, incorporated herein, shall constitute a violation of this Resolution, pursuant to ZR § 72-22, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies;

THAT substantial construction shall be completed in accordance with ZR § 72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within four (4) years, by December 13, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Department of Buildings and other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction.

Adopted by the Board of Standards and Appeals, December 13, 2016.

181-14-BZ

APPLICANT – Sheldon Lobel, P.C., for The Greek School of Plato, LTD, owner.

SUBJECT – Application August 1, 2014 – Variance (§72-21) to permit the construction of an educational and cultural facility be located on the premises. R4B zoning district.

PREMISES AFFECTED – 670 92nd Street, between Battery Avenue and 7th Avenue, Block 6143, Lot 35, Borough of Brooklyn.
COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

101-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Nesiv Hatorah Inc., owner.
SUBJECT – Application May 11, 2015 – Variance (§72-21) to permit construction of a two-story use group 4 synagogue contrary to underlying bulk requirements. R2X zoning district.
PREMISES AFFECTED – 830 Hicksville Road, Block 15583, Lot 11, Borough of Queens.
COMMUNITY BOARD #14Q
THE VOTE TO CLOSE HEARING –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for decision, hearing closed.

126-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.
PREMISES AFFECTED – 1782 East 27th Street, Block 006809, Lot 0044, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

137-15-BZ
APPLICANT – Law Office of Jay Goldstein for Congregation YGS, owner.
SUBJECT – Application – Variance (72-21) change of use and enlargement from existing Use Group 9 trade school to use Group 3 religious school (*Yeshiva Godolah Seminary*) with additional classrooms and dormitories. M1-1 zoning district.
PREMISES AFFECTED – 74-10 88th Street, Block 3810, Lot 93, Borough of Queens.
COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

277-15-BZ
APPLICANT – Law Office of Jay Goldstein, for Benjamin and Rivka Perl, owner.
SUBJECT – Application December 30, 2015 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to (ZR 23-141B). R2 zoning district.
PREMISES AFFECTED – 2621-2623 Avenue R (aka 1788-1798 East 27th Street) Block 6809, Lot 47, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

2016-1211-BZ
APPLICANT – Eric Palatnik, P.C. for Albert Hasson, owner.
SUBJECT – Application January 19, 2016 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141(b)). R3-1 zoning district.
PREMISES AFFECTED – 920 Shore Boulevard, Block 8746, Lot 107, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

2016-1216-BZ
APPLICANT –Sheldon Lobel, P.C., for 1128 36th LLC, owner.
SUBJECT – Application February 5, 2016 – Special Permit (§73-19) to allow for a Use Group 3 school (*Yeshiva Ohr Yoseph*) on the basement to third floors of a new six-story building and Special Permit (§73-44) to permit a reduction in the number of accessory off-street parking spaces required pursuant to ZR 44-21 for commercial office use (UG 6B) on the fourth to sixth floors. M1-2 zoning district.
PREMISES AFFECTED – 1128 36th Street, Block 5292, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Laid over to January 31, 2017, at 10 A.M., for continued hearing.

REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 13, 2016
1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, and Commissioner Chanda.

Absent: Commissioner Montanez.

ZONING CALENDAR

2016-4125-BZ
CEQR #16BSA081M
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Columbia REIT – 315 Park Avenue South LLC, owner; Equinox, lessee.
SUBJECT – Application February 24, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Equinox*) within an existing building. C6-4A zoning district.
PREMISES AFFECTED – 315 Park Avenue South, Block 00879, Lot 81, Borough of Manhattan.
COMMUNITY BOARD #5M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated January 28, 2016, acting on Department of Buildings ("DOB") Application No. 122659738, reads in pertinent part:
"Proposed use as a physical culture establishment, as defined as ZR 12-10, is contrary to ZR 32-10 and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03 to permit, on a site located in an C6-4A zoning district, the operation of a physical culture establishment (PCE) on portions of the first, second, third and fourth floors of a twenty-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on December 13, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the southeast corner of Park Avenue South and East 24th Street, in an C6-4A zoning district, in Manhattan; and

WHEREAS, the site has approximately 99 feet of frontage along Park Avenue South, 150 feet of frontage along East 24th Street, 14,250 square feet of lot area, and is occupied by a twenty-story commercial building; and

WHEREAS, ZR § 73-36(a) provides that in C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit physical culture or health establishments as defined in Section 12-10 for a term not to exceed ten years, provided that the following findings are made:

(1) that such *use* is so located as not to impair the essential character or the future use or development of the surrounding area; and
(2) that such *use* contains:
  (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball [*sic*] courts, tennis courts; or
  (ii) a swimming pool of a minimum 1,500 square feet; or
  (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
  (iv) facilities for practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as accessory to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.; and

WHEREAS, ZR § 73-36(b) sets forth additional findings that must be made where a physical culture or health establishment is located on the roof of a commercial building or the commercial portion of a mixed building in certain commercial districts; and

WHEREAS, because no portion of the subject PCE is located on the roof of a commercial building or the commercial portion of a mixed building, the additional findings set forth in ZR § 73-36(b) need not be made or addressed; and

WHEREAS, ZR § 73-36(c) provides that no special

permit shall be issued unless:

(1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.; and

WHEREAS, the Board notes that in addition to the foregoing, its determination is also subject to and guided by ZR § 73-03; and

WHEREAS, the Board notes that pursuant to ZR § 73-04, it has prescribed certain conditions and safeguards to the subject special permit in order to minimize the adverse effects of the special permit upon other property and community at large; the Board notes further that such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy of the subject building, and that failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the subject PCE will occupy 30,008 square feet of total floor area within the building (1,190 square feet of floor area on the first floor, 11,475 square feet of floor area on each of the second and third floors, and 5,868 square feet of floor area on the fourth floor); and

WHEREAS, the PCE will be operated as Equinox Fitness; and

WHEREAS, the applicant represents that the first floor will contain a reception area and juice bar; the second floor will feature a patron lounge, areas devoted to cardiovascular-fitness machines and strength-training equipment, a group-fitness room, sales and support offices and a retail shop; the third floor will house additional cardiovascular-fitness and strength-training areas, a cycling studio, laundry, employee lockers and a locker room; and the fourth floor will feature yoga and Pilates studios, spa and treatment areas and a locker room; and

WHEREAS, the PCE's proposed hours of operation are Monday through Friday, 5:00 a.m. to 11:30 p.m., and Saturday and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant states that the proposed PCE will be an asset to the surrounding area and have no adverse effects on the neighborhood's privacy, quiet or light and air; and

WHEREAS, with regards to sound attenuation in the PCE, the applicant states that noise abatement measures shall be provided to ensure that the sound level in the building does not exceed a maximum interior noise level of 45 dBA, including sound emanating from any sound system, if installed; and

WHEREAS, accordingly, the Board finds that the PCE use is so located as to not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, with regards to the use of the premises, the applicant represents that the PCE provides facilities for cardiovascular exercise and instruction for physical improvement and body building; and

WHEREAS, the Board finds that the PCE use is consistent with those eligible, pursuant to ZR § 73-36(a)(2), for the issuance of the special permit; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, the applicant has submitted plans to the Board indicating that the entire building will be sprinklered and that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and connection of the interior fire alarm to an FDNY-approved central station—will be installed in the entire PCE space; and

WHEREAS, in a letter dated December 9, 2016, the Fire Department states that, based on its review of the drawings and supporting documentation for the proposed PCE, it has no objection to this application; and

WHEREAS, pursuant to ZR § 73-03, the Board finds that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of the PCE use are outweighed by the advantages to be derived by the community; and

WHEREAS, the applicant states that the PCE will not interfere with any pending or approved public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings for the special permit pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the project in the Final Environmental Assessment Statement ("EAS"), CEQR No. 16-BSA-081M, dated February 24, 2016; and

WHEREAS, the EAS documents that the proposed PCE will not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Hazardous Materials; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; and Construction; and

WHEREAS, the Board has determined that the operation of a PCE at the subject premises will not have a significant adverse impact on the environment.

Therefore, it is Resolved, that the Board of Standards

and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in an C6-4A zoning district, the operation of a physical culture establishment on portions of the first, second, third and fourth floors of a twenty-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 27, 2016"- Nine (9) sheets; and *on further condition*:

THAT the term of this grant shall be for ten (10) years, expiring December 13, 2026;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT minimum 3'-0" wide exit pathways shall be approved leading to the required exits and pathways shall always be maintained unobstructed including from any gymnasium equipment;

THAT an approved interior fire alarm system shall be installed in the entire PCE space—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms and connection of the interior fire alarm to an FDNY-approved central station;

THAT Local Law 58/87 shall be complied with, and compliance shall be approved by DOB;

THAT noise abatement shall be provided in the PCE space to ensure that the sound level in the building does not exceed the maximum interior noise level of 45 dBA—including sound emanating from any sound system, if installed—as approved by the Department of Environmental Protection or other regulatory authority;

THAT the entire premises shall be sprinklered;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within four (4) years, by December 13, 2020;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4341-BZ
CEQR #17-BSA-047R
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 150 Boundary Avenue. Block 03686, Lot 4. Borough of Staten Island.
COMMUNITY BOARD #2 SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for rear yards pursuant to ZR § 23-47; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the east side of Boundary Avenue, between Hunter Avenue and Beachview Avenue, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 40 feet of frontage along Boundary Avenue, 3,014 sq. ft. of lot area and was previously occupied by a detached one-story single-family residence; and

WHEREAS, the applicant proposes to reconstruct the single-family residence as a three-story building with 1,731 sq. ft. of floor area with an 18'-9" rear yard; and

WHEREAS, pursuant to ZR § 23-47, a rear yard of not less than 30 feet is required at the subject site; and

WHEREAS, therefore, the applicant seeks a special permit to allow the reconstruction, development and enlargement of the proposed residence with a rear yard with a depth of 18'-9"; and

WHEREAS, ZR § 64-92 provides:

In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:

(a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;

(b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the shallow depth and size of the lot, which, at 3,014 sq. ft., is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the rear yard requirements and that a waiver of the same is the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the residence that previously existed on the site was non-compliant with underlying zoning regulations with regards to front yards, rear yards and side yards and that the proposed reconstructed residence will have a complying front yard and side yards; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92(b) is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed three-story residence is consistent with other two- and three-story single- and two-family residences located on the same street as the subject site and in the surrounding area in terms of size, layout and design and, thus, the proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 13, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a single-family residence, which does not comply with the zoning requirements for rear yards, contrary to ZR § 23-47; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a rear yard with a minimum depth of 18'-9", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4342-BZ

CEQR #17-BSA-047R
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 69 Finley Avenue. Block 04046, Lot 37. Borough of Staten Island.
COMMUNITY BOARD #2 SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for front yards and rear yards pursuant to ZR §§ 23-45 and 23-52; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the west side of Finley Avenue, between Beacon Place and Marine Way, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 50 feet of frontage along Finley Avenue, 2,000 sq. ft. of lot area and was previously occupied by a detached one-story single-family residence; and

WHEREAS, the applicant proposes to reconstruct the single-family residence as a two-story building with 815 sq. ft. of floor area, a 5'-4" front yard and a rear yard of 7'-8"; and

WHEREAS, at the subject site, a front yard of at least 15 feet is required pursuant to ZR § 23-45 and a rear yard of at least 10 feet is required pursuant to ZR § 23-52; and

WHEREAS, therefore, the applicant seeks a special permit to allow the reconstruction, development and enlargement of the proposed residence with a front yard measuring 5'-4" and a rear yard measuring 7'-8"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the shallow depth, narrow width and small size of the lot, which at 2,000 sq. ft. is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the front yard and rear yard requirements and that waivers of the same are the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstruction provides one habitable level to accommodate the accessibility requirements of the owner and that complying with the front yard and rear yard requirements would result in a residence with two habitable levels and a layout impractical for a residence of such limited square footage; and

WHEREAS, finally, the applicant submits that the proposed reconstruction provides complying side yards, which the residence that previously occupied the site lacked; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92 is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed two-story residence is consistent in terms of size, layout and design with the existing streetscape, which includes one-, two- and three-story residences, as well as the surrounding area, which is predominated with one- and two-family detached, semi-detached and attached homes and, thus, the proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 6, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a single-family residence, which does not comply with the zoning requirements for front yards and rear yards, contrary to ZR §§ 23-45 and 23-52; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a front yard with a minimum depth of 5'-4" and a rear yard with a minimum depth of 7'-8", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4343-BZ
CEQR #17-BSA-047R
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 158 Baden Place. Block 03810, Lot 17. Borough of Staten Island.
COMMUNITY BOARD #2 SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for side yards pursuant to ZR § 23-461; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's

Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the east side of Baden Place Avenue, between Mapleton Avenue and Hempstead Avenue, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 20 feet of frontage along Baden Place, a depth of 100 feet, 2,000 sq. ft. of lot area and was previously occupied by a detached single-family residence; and

WHEREAS, the applicant proposes to reconstruct a three-story semi-detached single-family residence on the site, with 1,198 sq. ft. of floor area and a side yard measuring 6'-7"; and

WHEREAS, at the subject site, a side yard measuring at least 8 feet wide is required pursuant to ZR § 23-461 for zoning lots containing single-family semi-detached residences; and

WHEREAS, therefore, the applicant seeks a special permit the allow the reconstruction, development and enlargement of the proposed residence with a side yard measuring 6'-7"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) tthat any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the narrow width and small size of the lot, which at 2,000 sq. ft. is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the side yard requirements and that a waiver of the same is the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstruction provides a complying rear yard, which the previous residence lacked; decreases the degree of non-compliance with respect to side yards by creating one non-compliant side yard rather than maintaining the two of the previously existing detached residence; and that the proposed semi-detached residence is more appropriate for the narrow lot; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92 is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed three-story semi-detached residence is consistent in terms of size, layout and design with the existing streetscape, which includes one-, two- and three-story residences, as well as the surrounding area, which is predominated by single- and two-family detached, semi-detached and attached residences, and, thus, the proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 6, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a sites within an R3-1 zoning district, the reconstruction, development and enlargement of a three-story semi-detached single-family residence, which does not comply with the zoning requirements for side yards, contrary to ZR

§ 23-461; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a side yard with a minimum width of 6'-7", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4344-BZ
CEQR #17-BSA-047R
APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")
SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.
PREMISES AFFECTED – 160 Baden Place. Block 03810, Lot 16. Borough of Staten Island.
COMMUNITY BOARD #2 SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4
Negative:.....0
Absent: Commissioner Montanez.....1
THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for side yards pursuant to ZR § 23-461; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the east side of Baden Place Avenue, between Mapleton Avenue and Hempstead Avenue, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 20 feet of frontage along Baden Place, a depth of 100 feet, 2,000 sq. ft. of lot area and was previously occupied by a detached single-family residence; and

WHEREAS, the applicant proposes to reconstruct a three-story semi-detached single-family residence on the site, with 1,198 sq. ft. of floor area and a side yard measuring 6'-7"; and

WHEREAS, at the subject site, a side yard measuring at least 8 feet wide is required pursuant to ZR § 23-461 for zoning lots containing single-family semi-detached residences; and

WHEREAS, therefore, the applicant seeks a special permit the allow the reconstruction, development and enlargement of the proposed residence with a side yard measuring 6'-7"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate

building in compliance with *flood-resistant construction standards*;

(b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the narrow width and small size of the lot, which at 2,000 sq. ft. is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the side yard requirements and that a waiver of the same is the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstruction provides a complying rear yard, which the previous residence lacked; decreases the degree of non-compliance with respect to side yards by creating one non-compliant side yard rather than maintaining the two of the previously existing detached residence; and that the proposed semi-detached residence is more appropriate for the narrow lot; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92 is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed three-story semi-detached residence is consistent in terms of size, layout and design with the existing streetscape, which includes one-, two- and three-story residences, as well as the surrounding area, which is predominated by single- and two-family detached, semi-detached and attached residences, and, thus, the proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 6, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a sites within an R3-1 zoning district, the reconstruction, development and enlargement of a three-story semi-detached single-family residence, which does not comply with the zoning requirements for side yards, contrary to ZR § 23-461; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a side yard with a minimum width of 6'-7", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4345-BZ
CEQR #17-BSA-047R

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 1186 Mason Avenue. Block 03734, Lot 12. Borough of Staten Island.

COMMUNITY BOARD #2 SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special

permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for side yards and rear yards pursuant to ZR §§ 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the east side of Mason Avenue, between Bedford Avenue and Midland Avenue, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 20 feet of frontage along Mason Avenue, 1,480 sq. ft. of lot area and was previously occupied by a detached single-family residence; and

WHEREAS, the applicant proposes to reconstruct a three-story semi-detached single-family residence on the site, with 875 sq. ft. of floor area, a rear yard measuring 20'-10" and a side yard measuring 6'-4"; and

WHEREAS, at the subject site, a side yard measuring at least 8 feet wide is required pursuant to ZR § 23-461 for zoning lots containing single-family semi-detached residences and a rear yard of at least 30 feet is required pursuant to ZR § 23-47; and

WHEREAS, therefore, the applicant seeks a special permit the allow the reconstruction, development and enlargement of the proposed residence with a rear yard measuring 20'-10" and a side yard measuring 6'-4"; and

WHEREAS, ZR § 64-92 provides:

> In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:
>
> (a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;
>
> (b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and
>
> (c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.
>
> The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the narrow width and small size of the lot, which at 1,480 sq. ft. is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the rear yard and side yard requirements and that waivers of the same are the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstruction provides a complying front yard, which the previous residence lacked; decreases the degree of non-compliance with respect to side yards by creating one non-compliant side yard rather than maintaining the two of the previously existing detached residence; and that the proposed semi-detached residence is more appropriate for the narrow lot; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92 is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed three-story single-family semi-detached residence is consistent in terms of size, layout and design with the existing streetscape, which includes one-, two- and three-story residences, and the surrounding area, which is predominated by single- and two-family detached, semi-detached and attached residences, and, thus, the

proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 6, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a sites within an R3-1 zoning district, the reconstruction, development and enlargement of a three-story semi-detached single-family residence, which does not comply with the zoning requirements for side yards and rear yards, contrary to ZR §§ 23-461 and 23-47; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a rear yard with a minimum depth of 20'-10" and a side yard with a minimum width of 6'-4", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

2016-4346-BZ
CEQR #17-BSA-047R

APPLICANT – NYC Mayor's Office of Housing Recovery Operation ("HRO")

SUBJECT – Application October 31, 2016 – Special Permit (§64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 1188 Mason Avenue. Block 03734, Lot 11. Borough of Staten Island.

COMMUNITY BOARD #2 SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Chanda.....4

Negative:.....0

Absent: Commissioner Montanez.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Board's Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the reconstruction, development and enlargement of a previously existing single-family residence in compliance with flood-resistant construction standards that does not comply with the zoning requirements for side yards and rear yards pursuant to ZR §§ 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on December 13, 2016, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, this application is brought on behalf of the owner by the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in furtherance of the City's effort to rebuild homes impacted by Superstorm Sandy expeditiously and effectively, the Board, pursuant to 2 RCNY § 1-14.2, waives the following of its Rules of Practice and Procedure: (1) 2 RCNY § 1-05.1 (Objection Issued by the Department of Buildings), (2) 2 RCNY § 1-05.3 (Filing Period), (3) 2 RCNY § 1-05.4 (Application Referral), (4) 2 RCNY § 1-05.6 (Hearing Notice), (5) 2 RCNY § 1-05.7 (List of Affected Property Owners), (6) 2 RCNY § 1-09.4 (Owner's Authorization), and (7) 2 RCNY § 1-10.7 (Proof of Service for Application Referral and Hearing Notice); and

WHEREAS, the Board notes that the subject application is exempt from fees pursuant to 2 RCNY § 1-09.2 and NYC Admin. Code § 25-202(6); and

WHEREAS, the subject site is located on the east side of Mason Avenue, between Bedford Avenue and Midland Avenue, in an R3-1 zoning district, on Staten Island; and

WHEREAS, the site has approximately 20 feet of frontage along Mason Avenue, 1,480 sq. ft. of lot area and was previously occupied by a detached single-family residence; and

WHEREAS, the applicant proposes to reconstruct a three-story semi-detached single-family residence on the site, with 875 sq. ft. of floor area, a rear yard measuring 20'-10" and a side yard measuring 6'-4"; and

WHEREAS, at the subject site, a side yard measuring at least 8 feet wide is required pursuant to ZR § 23-461 for zoning lots containing single-family semi-detached residences and a rear yard of at least 30 feet is required pursuant to ZR § 23-47; and

WHEREAS, therefore, the applicant seeks a special

permit the allow the reconstruction, development and enlargement of the proposed residence with a rear yard measuring 20'-10" and a side yard measuring 6'-4"; and

WHEREAS, ZR § 64-92 provides:

In order to allow for the alteration of existing *buildings* in compliance with *flood-resistant construction standards* and for *developments* and *enlargements* in compliance with *flood-resistant construction standards*, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the *bulk* regulations of Section 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable *bulk* regulations of the Zoning Resolution, except *floor area ratio* regulations, provided the following findings are made:

(a) that there would be a practical difficulty in complying with *flood-resistant construction standards* without such modifications, and that such modifications are the minimum necessary to allow for an appropriate *building* in compliance with *flood-resistant construction standards*;

(b) that any modifications of *bulk* regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from *flood-resistant construction elevation*, whichever is less; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the *building* is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with *flood-resistant construction standards*.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, in accordance with ZR § 64-92(a), the applicant states that the narrow width and small size of the lot, which at 1,480 sq. ft. is less than the 3,800 sq. ft. minimum lot size required in R3-1 zoning districts pursuant to ZR § 23-32, cause a practical difficulty in complying with flood-resistant construction standards without the modification of the rear yard and side yard requirements and that waivers of the same are the minimum necessary to allow for a building compliant with flood-resistant construction standards; and

WHEREAS, in addition, the applicant notes that the proposed reconstruction provides a complying front yard, which the previous residence lacked; decreases the degree of non-compliance with respect to side yards by creating one non-compliant side yard rather than maintaining the two of the previously existing detached residence; and that the proposed semi-detached residence is more appropriate for the narrow lot; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, a finding pursuant to ZR § 64-92 is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed three-story single-family semi-detached residence is consistent in terms of size, layout and design with the existing streetscape, which includes one-, two- and three-story residences, as well as the surrounding area, which is predominated with single- and two-family detached, semi-detached and attached residences, and, thus, the proposal will neither alter the essential character of the neighborhood in which it is located nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed reconstruction and enlargement satisfies all of the relevant requirements of ZR § 64-92; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action noted in the CEQR Checklist No. 17BSA047R, dated December 6, 2016; and

Therefore it is Resolved, that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure and issues a Type II determination under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a) and 5-02(b)(2) of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 64-92, to permit, on a sites within an R3-1 zoning district, the reconstruction, development and enlargement of a three-story semi-detached single-family residence, which does not comply with the zoning requirements for side yards and rear yards, contrary to ZR §§ 23-461 and 23-47; *on condition* that all work shall substantially conform to the drawings filed with this application and marked "Received December 8, 2016"—Four (4) sheet(s); and *on further condition*:

THAT the bulk parameters of the building shall be as follows: a rear yard with a minimum depth of 20'-10" and a side yard with a minimum width of 6'-4", as illustrated on the BSA-approved plans;

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 13, 2020;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2016.

104-15-BZ
APPLICANT – Rosenberg & Estis, P.C. by Frank E. Chaney, Esq., for 4452 Broadway Mazal LLC, owner.
SUBJECT – Application May 12, 2015 – Variance (§72-21) to permit the development of a mixed-use residential building with retail contrary to underlying bulk and use regulations. R7-2 zoning district with C2-4 overlay.
PREMISES AFFECTED – 4452 Broadway aka 44-90 Fairview Avenue, Block 2170, Lot(s) 62, 400, Borough of Manhattan.
COMMUNITY BOARD #12M

ACTION OF THE BOARD – Laid over to February 28, 2017, at 10 A.M., for continued hearing.

160-15-BZ
APPLICANT – Sheldon Lobel, P.C., for 186 Montague Street, LLC, owner.
SUBJECT – Application July 16, 2015 – Special Permit (73-36) to permit the operation of a Physical Culture Establishment (*Orangetheory Fitness*). C5-2A zoning district.
PREMISES AFFECTED – 186 Montague Street, Block 250, Lot 34, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

2016-1212-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 932 Southern Boulevard Realty, LLC, owner; 932 Southern Boulevard, lessee.
SUBJECT – Application January 19, 2016 – Special Permit (§73-36) to operate a physical culture establishment (*Blink*) within an existing building. C2-4/R7-1 zoning district.
PREMISES AFFECTED – 932 Southern Boulevard, Block 2735, Lot 14, Borough of Bronx.
COMMUNITY BOARD #2BX

ACTION OF THE BOARD – Laid over to January 24, 2017, at 10 A.M., for continued hearing.

2016-4219-BZ
APPLICANT – Eric Palatnik, P.C., for Sergey Rybak, owner.
SUBJECT – Application June 17, 2016 – Special Permit (§73-622) to permit the enlargement of a single-family residence, contrary to floor area requirements (ZR §23-142). R3-1 zoning district.
PREMISES AFFECTED – 239 Beaumont Street, Block 8740, Lot 84, Borough of Brooklyn.
COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 14, 2017, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director